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REGULATIONS

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PASSED BY THE

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GOVERNOR GENERAL IN COUNCIL

OF

16

BENGAL,

WITH AN

INDEX AND GLOSSARY.

VOL. I.

CONTAINING THE REGULATIONS PASSED IN THE YEARS
1793, 1794, AND 1795.

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XXXII.—A Regulation for enacting into a Regulation, the Terms of the Contract concluded for the Provision of Opium on account of Government in the Province of Benares, from the 1st September 1793 to the 31st August 1797, and for preventing illicit Trade in that Article: Passed by the Governor General in Council on the 27th March 1795 565

XXXIII.—A Regulation for enacting into a Regulation the Rules passed relative to the Cultivation and Manufacture of Indigo, on behalf of, or by natural-born British Subjects, and other Europeans, having the Permission of Government to reside in the Province of Benares: Passed by the Governor General in Council on the 27th March 1795 570

XXXIV.—A Regulation for re-enacting, with Modifications, the Rules respecting the Pensions payable from the Government and Moolky Treasuries in the Province

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Province of Benares: Passed by the Governor General in Council on the 27th March 1795 ... 575

XXXV.—A Regulation for better enabling Individuals to recover Arrears of Rent or Revenue due to them: Passed by the Governor General in Council on the 27th March 1795 ... 579

XXXVI.—A Regulation for repealing Section VII., Regulation VIII. 1794, and empowering the Judges of the Zillah and City Courts to hear Appeals from Decisions which may be passed by their Registers under that Regulation, and rendering final the Decisions of the Judges in all such Appeals where the Suit may be for Money or personal Property; for making final the Decrees of the Judges of the Zillah and City Courts, in Appeals from Decisions passed by the Native Commissioners appointed under Regulation XL. 1793; for rendering Serberakars, or Managers of joint undivided Estates, eligible to the Office of Commissioner for hearing and deciding Suits under Regulation XL. 1793; for providing against the Loss or Miscarriage of the Proceedings in Trials referred by the Judges of Circuit to the Nizamut Adawlut, or the Sentences or Orders of that Court on such Trials; and for establishing another Court of Dewanny Adawlut in the Districts now comprised in the Zillah of Burdwan: Passed by the Governor General in Council on the 27th March 1795 ... 584

XXXVII.—A Regulation for better enabling the Sudder Dewanny Adawlut to judge of the Progress made by the Zillah and City Courts, and the Provincial Courts of Appeal, in determining the Suits now depending before them, and also of the Expedition with which Suits hereafter filed may be decided: Passed by the Governor General in Council on the 27th March 1795 ... 586

XXXVIII.—A Regulation for prescribing the Payment of certain Fees on the Institution and Trial of Suits in the Courts of Civil Judicature, and on Petitions presented to those Courts, and on the Institution of Suits before the Munsiffs, under Clause Sixth, Section V., Regulation XL. 1793; and for the Appropriation of the Fees so collected: Passed by the Governor General in Council on the 10th April 1795 ... 589

XXXIX.—A Regulation for abolishing the Calcutta Customs or Town Duties, collected under the several Sections of Regulation XLII. 1793, from Section XXI. to the Conclusion of the said Regulation; and for reviving, with Alterations, the Government Customs formerly levied at the Port of Calcutta, and discontinued on the 20th June 1788; and prescribing to what Courts Individuals considering themselves aggrieved under the Regulations respecting the Government Customs in the Provinces of Bengal, Behar, or Orissa, by the Act of any Collector of the said Customs, or his Officers, or by any Act or Order of the Board of Trade or the Governor General in Council, are to apply in the first Instance for redress:—Passed by the Governor General in Council on the 22d May 1795 ... 594

XL.—A Regulation for modifying such parts of Section III., and Clause Third, Section VIII., and Section IX., Regulation XXX. 1793, as relate to the Rewards payable on Information being given of the illicit Manufacture, Transportation, or Importation of Salt; and for increasing the Rewards, and authorizing the Servants of Government to benefit by them; and for modifying and altering the Rules and Restrictions contained in Section IV., Regulation XXX. 1793, and Sections XXXIV. and XXXV., Regulation XLII. 1793, in respect to the Importation of Muscat Salt: Passed by the Governor General in Council on the 1st June 1795 ... 607

XLI.—A Regulation prescribing Rules for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the Payment of Revenue to Government in the Province of Benares, under

Grants

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Grants not being of the Description of those termed badshahee or royal, nor made by the Supreme Power for the time being; and for determining the Amount of the annual Assessment to be imposed on Lands so held, which may be adjudged or become liable to the Payment of public Revenue: Passed by the Governor General in Council on the 31st July 1795 609

XLII.—A Regulation for enacting, with Modifications, the Rules for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, altumgah, jaghire, and other Lands, in the Province of Benares, exempt from the Payment of public Revenue, under Grants termed badshahee or royal, or made by the Supreme Power for the time being; and for determining when certain Grants of that Description shall be considered to have expired; and for fixing the Amount of the public Revenue to be assessed upon the Lands, the Grants for which may expire or be adjudged invalid: Passed by the Governor General in Council on the 31st July 1795 626

XLIII.—A Regulation for enacting into a Regulation, the Rules passed on the 13th February 1789, and 24th December 1790, for granting Lands to discharged Native Invalid Officers, and Private Soldiers, in the Province of Benares: Passed by the Governor General in Council on the 28th August 1795 639

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XLV.—A Regulation for empowering Talookdars, Zemindars, and all other Descriptions of Landholders, and Farmers of Land, in the Province of Benares, to distrain and sell the personal Property of Under-farmers, Ryots, and dependent Zemindars and Putteedars, and (in certain specified Cases) their Sureties, for Arrears of Rent or Revenue; and for preventing Landholders and Farmers of Land in the said Province confining or inflicting corporal Punishment on their Under-farmers, Ryots, and dependent Zemindars and Putteedars, or their Sureties, to enforce Payment of such Arrears: Passed by the Governor General in Council on the 28th August 1795 ... 645

XLVI.—A Regulation for extending to the Province of Benares, Regulation XXXIII. 1793, entitled "*A Regulation for re-enacting, with Modifications, "the Rules passed on the 11th February and 21st October 1791, for repairing "the Embankments kept in Repair at the public Expense; and for encouraging "the digging of Tanks or Reservoirs and Water-courses, and making Em"bankments:*" Passed by the Governor General in Council on the 28th August 1795 652

XLVII.—A Regulation for levying a Tax on intoxicating Liquors and Drugs, and for preventing the illicit Manufacture or Vend of them, in the Province of Benares: Passed by the Governor General in Council on the 28th August 1795 658

XLVIII.—A Regulation for prohibiting covenanted Civil Servants of the Company employed in the Administration of Justice, or the Collection of the public Revenue, in the Province of Benares, from lending Money to Talookdars, Zemindars, Putteedars, or other actual Proprietors of Land, or to Farmers of Land holding Farms immediately of Government, or the Under-farmers or Ryots of the several Descriptions of Proprietors and Farmers of Land above-mentioned, or their respective Sureties; and for prohibiting in the said Province, Europeans of any Description holding Possession of Lands that may be mortgaged to them, or purchasing or renting Lands for erecting Houses or Buildings for carrying on Manufactures, or other Purposes,

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poses, without the Sanction of the Governor General in Council: Passed by the Governor General in Council on the 28th August 1795 654

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L.—A Regulation for prohibiting Talookdars, Zemindars, or other Proprietors of Land paying Revenue, in the Province of Benares, from fixing the Jumma of dependent Tenants (whether Zemindars or Putteedars), or granting Leases or Pottahs for a Term exceeding ten Years; and in Cases of Lands being disposed of at Public Sale for the Discharge of Arrears of the public Revenue, for rendering null and void all Engagements (with certain exceptions) subsisting between the defaulting Proprietor and his dependent Zemindars, Putteedars, Under-farmers, and Ryots, for the Payment of Rent or Revenue on account of the Lands so sold; Passed by the Governor General in Council on the 28th August 1795 657

LI.—A Regulation respecting ryotty Pottahs in the Province of Benares: Passed by the Governor General in Council on the 28th August 1795 659

LII.—A Regulation for licensing the Importation of Salt into the Port of Calcutta, on Ships built and fitted out within the Provinces of Bengal or Behar, or that Part of Orissa which is under the Dominion of the Company, and being the Property of British Subjects, or of Natives residing within the said Provinces and subject to the Company's Government: Passed by the Governor General in Council on the 28th August 1795 667

LIII.—A Regulation for putting a Stop to the illicit Trade in Opium carried on in the Province of Bengal, by means of the Cloths and earthen Vessels termed Cappah and Dogah; and for preventing the Poppy being cultivated in the said Province without the Knowledge of the Contractor: Passed by the Governor General in Council on the 28th August 1795 670

LIV.—A Regulation for extending to the Province of Benares the Rules contained in certain Sections of Regulations VIII. 1794, and XXXVI. 1795, with Modifications: Passed by the Governor General in Council on the 1st September 1795 671

LV.—A Regulation for prohibiting the Courts of civil Judicature from requiring Security from Guardians of disqualified Landholders when Parties in Suits with their Wards, under Section XXXII., Regulation X. 1793: Passed by the Governor General in Council on the 1st September 1795 672

LVI.—A Regulation for allowing the Heirs of Invalids, in the Provinces of Bengal, Behar, and Orissa, to hold their Land rent-free to the Expiration of the tenth Year from the Date of the original Grantee's being put in possession, in case of his dying within ten Years from such Date; and for providing for the Absence of Invalids from their Tannahs in the said Provinces at the Time of Inspection, in consequence of Permission, or from Sickness, or other unavoidable Cause: Passed by the Governor General in Council on the 1st September 1795 673

LVII.—A Regulation for enacting into a Regulation certain Orders issued by the Governor General in Council, for the Abolition of the Collection heretofore made on Grain imported into Calcutta, under the denomination of Kyaulee Dustoor, and for the Appropriation of the Proceeds of confiscated Goods and Merchandize at the Manjee Custom-house; and for levying the

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Calcutta Export Duties on the Calcutta Price of the Goods instead of the Aurung Price or prime Cost, as prescribed by Section XVII., Regulation XXXIX. 1795: Passed by the Governor General in Council on the 25th September 1795 674

LVIII.—A Regulation for granting to the Collectors a Commission on the Jumma of Lands which may be subjected to the Payment of Revenue under Section XXVI., Regulation XIX., and Section XXI., Regulation XXXVII. 1793, and Section XXVI., Regulation XLI.; and Section XXI., Regulation XLII. 1795; and for determining on what Amount such Commission, and the Commission granted to Collectors in cases of Lands being adjudged liable to the Payment of Revenue in consequence of Prosecutions, shall be calculated; and for requiring the Zillah and City Courts in the four Provinces to transmit to the Collectors and the Board of Revenue Copies of certain Decrees in Suits between Individuals respecting the Right to Land exempted from the Payment of Revenue; and for defining of what Decrees regarding malguzarry Land the Zillah and City Courts are to furnish the Collectors and the Board of Revenue with Copies, under Section IX., Regulation IV. 1794, and Section IV., Regulation VIII. 1795: Passed by the Governor General in Council on the 25th September 1795 675

LIX.—A Regulation for further postponing to the 10th April 1796, the Operation of such Parts of Sections XVIII., XIX., XX. and XXIII., Regulation XXXV. 1793, as regard the silver Coin: Passed by the Governor General in Council on the 29th September 1795 677

LX.—A Regulation for extending to the Province of Benares, Regulation XXXVIII. 1795, entitled "*A Regulation for prescribing the Payment of certain Fees on the Institution and Trial of Suits in the Courts of civil Judicature, and on Petitions presented to those Courts, and on the Institution of Suits before the Munsiffs, under Clause Sixth, Section V., Regulation XL. 1793:*" Passed by the Governor General in Council on the 13th November 1795 678

LXI.—A Regulation for determining what Sicca Rupees of the nineteenth Sun shall be considered as of standard Weight in Payments, in the Provinces of Bengal, Behar, and Orissa: Passed by the Governor General in Council on the 13th November 1795 678

LXII.—A Regulation for withdrawing the Mint established at Moorshedabad under Regulation XXXV. 1793: Passed by the Governor General in Council on the 11th December 1795 680

REGULATIONS.

A. C.

A.D. 1793. REGULATION I.

A Regulation *for enacting into a Regulation, certain Articles of a Proclamation, bearing date the 22d March* 1793: Passed *by the Governor General in Council on the 1st May* 1793 *(corresponding with the 21st Bysaak,* 1200 *Bengal era; the 6th Bysaak,* 1200 *Fussily; the 21st Bysaak,* 1200 *Willaity; the 6th Bysaak,* 1850 *Sumbut; and the 19th Ramzaan,* 1207 *Higeree).*

I. The following articles of the proclamation relative to the limitation of the public demand upon the lands, addressed by the Governor General in Council to the Zemindars, independent Talookdars, and other actual proprietors of land paying revenue to Government, in the provinces of Bengal, Behar, and Orissa, are hereby enacted into a Regulation, which is to have force and effect from the 22d March 1793, the date of the proclamation.

PROCLAMATION.

Decennial settlement declared conditionally permanent by the original Regulations.

II. Art. I. In the original Regulations for the decennial settlement of the public revenues of Bengal, Behar, and Orissa, passed for those provinces respectively, on the 18th September 1789, the 25th November 1789, and the 10th February 1790, it was notified to the proprietors of land, with or on behalf of whom a settlement might be concluded, that the jumma assessed upon their lands under those Regulations would be continued after the expiration of the ten years, and remain unalterable for ever, provided such continuance should meet with the approbation of the Honourable Court of Directors for the Affairs of the East-India Company, and not otherwise.

Governor General in Council empowered to declare the jumma assessed upon the lands under those Regulations, fixed for ever.

III. Art. II. The Marquis Cornwallis, Knight of the most noble order of the Garter, Governor General in Council, now notifies to all Zemindars, independent Talookdars, and other actual proprietors of land paying revenue to Government, in the provinces of Bengal, Behar, and Orissa, that he has been empowered by the Honourable Court of Directors for the Affairs of the East-India Company to declare the jumma, which has been, or may be assessed upon their lands under the Regulations above-mentioned, fixed for ever.

Jumma assessed upon the lands of proprietors, with or on behalf of whom a settlement has been concluded, declared fixed for ever.

IV. Art. III. The Governor General in Council accordingly declares to the Zemindars, independent Talookdars, and other actual proprietors of land, with or on behalf of whom a settlement has been concluded under the

Regulations above-mentioned, that at the expiration of the term of the settlement, no alteration will be made in the assessment which they have respectively engaged to pay, but that they, and their heirs and lawful successors, will be allowed to hold their estates at such assessment for ever.

Jumma which may be hereafter agreed to by the proprietors whose lands are held khas, or let in farm, declared fixed for ever.

V. ART. IV. The lands of some Zemindars, independent Talookdars, and other actual proprietors of land, having been held khas, or let in farm, in consequence of their refusing to pay the assessment required of them under the Regulations above-mentioned, the Governor General in Council now notifies to the Zemindars, independent Talookdars, and other actual proprietors of land, whose lands are held khas, that they shall be restored to the management of their lands, upon their agreeing to the payment of the assessment which has been, or may be required of them, in conformity to the Regulations above-mentioned, and that no alteration shall afterwards be made in that assessment, but that they, and their heirs and lawful successors, shall be permitted to hold their respective estates at such assessment for ever: and he declares to the Zemindars, independent Talookdars, and other actual proprietors of land, whose lands have been let in farm, that they shall not regain possession of their lands before the expiration of the period for which they have been farmed (unless the farmers shall voluntarily consent to make over to them the remaining term of their lease and the Governor General in Council shall approve of the transfer), but that at the expiration of that period, upon their agreeing to the payment of the assessment which may be required of them, they shall be reinstated, and that no alteration shall afterwards be made in that assessment, but that they, and their heirs and lawful successors, shall be allowed to hold their respective estates at such assessment for ever.

Jumma at which lands belonging to Government may be transferred to individuals, declared fixed for ever.

VI. ART. V. In the event of the proprietary right in lands that are, or may become, the property of Government being transferred to individuals, such individuals, and their heirs and lawful successors, shall be permitted to hold the lands at the assessment at which they may be transferred for ever.

Assessment in former times liable to increase at the discretion of Government.

VII. ART VI. It is well known to the Zemindars, independent Talookdars, and other actual proprietors of land, as well as to the inhabitants of Bengal, Behar, and Orissa, in general, that from the earliest times until the present period, the public assessment upon the lands has never been fixed, but that, according to established usage and custom, the rulers of these provinces have from time to time demanded an increase of assessment from the proprietors of land; and that, for the purpose of obtaining this increase, not only frequent investigations have been made to ascertain the actual produce of their estates, but that it has been the practice to deprive them of the management of their lands, and either to let them in farm, or to appoint officers on the part of Government to collect the assessment immediately from the Ryots. The Honourable Court of Directors, considering these usages and measures to be detrimental to the prosperity of the country, have, with a view to promote the future ease and happiness of the people, authorized the foregoing declarations; and the Zemindars, independent Talookdars, and other actual proprietors of land, with or on behalf of whom a settlement has been, or may be concluded, are to consider these orders fixing the amount of the assessment

Motives of the Court of Directors for abolishing that usage and fixing the assessment, which is declared unalterable by any future Government.

ment as irrevocable, and not liable to alteration by any persons whom the Court of Directors may hereafter appoint to the administration of their affairs in this country.

Proprietors expected to improve their estates in consequence of the profits being secured to them.

The Governor General in Council trusts, that the proprietors of land, sensible of the benefits conferred upon them by the public assessment being fixed for ever, will exert themselves in the cultivation of their lands, under the certainty that they will enjoy exclusively the fruits of their own good management and industry, and that no demand will ever be made upon them, or their heirs or successors, by the present or any future Government, for an augmentation of the public assessment, in consequence of the improvement of their respective estates.

Conduct to be observed by the proprietors of land towards their dependent Talookdars and Ryots.

No claims for remissions or suspensions to be admitted on any account.

Lands of proprietors to be invariably sold for arrears.

To discharge the revenues at the stipulated periods without delay or evasion, and to conduct themselves with good faith and moderation towards their dependent Talookdars and Ryots, are duties at all times indispensably required from the proprietors of land, and a strict observance of those duties is now more than ever incumbent upon them, in return for the benefits which they will themselves derive from the orders now issued. The Governor General in Council therefore expects, that the proprietors of land will not only act in this manner themselves towards their dependent Talookdars and Ryots, but also enjoin the strictest adherence to the same principles, in the persons whom they may appoint to collect the rents from them. He further expects, that without deviating from this line of conduct, they will regularly discharge the revenue in all seasons; and he accordingly notifies to them, that, in future, no claims or applications for suspensions or remissions on account of drought, inundation, or other calamity of season, will be attended to, but that in the event of any Zemindar, independent Talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been or may be concluded, or his or her heirs or successors failing in the punctual discharge of the public revenue which has been, or may be assessed upon their lands under the above-mentioned Regulations, a sale of the whole of the lands of the defaulter, or such portion of them as may be sufficient to make good the arrear, will positively and invariably take place.

VIII. ART. VII. To prevent any misconstruction of the foregoing articles, the Governor General in Council thinks it necessary to make the following declarations to the Zemindars, independent Talookdars, and other actual proprietors of land.

Government to enact such Regulations as they may think necessary for the welfare of the dependent Talookdars and cultivators, and proprietors: not to withhold the revenue on that account.

First. It being the duty of the ruling power to protect all classes of people, and more particularly those who from their situation are most helpless, the Governor General in Council will, whenever he may deem it proper, enact such Regulations as he may think necessary for the protection and welfare of the dependent Talookdars, Ryots, and other cultivators of the soil, and no Zemindar, independent Talookdar, or other actual proprietor of land, shall be entitled on this account to make any objection to the discharge of the fixed assessment which they have respectively agreed to pay.

All internal duties that may be hereafter established to belong exclusively to Government.

Second. The Governor General in Council having, on the 28th July 1790, directed the Sayer collections to be abolished, a full compensation was granted to the proprietors of land for the loss of revenue sustained by them in consequence of this abolition; and he now declares, that if he should hereafter think it proper to re-establish the Sayer collections, or any other internal duties, and to appoint officers on the part of Government to collect them, no proprietor of land will be admitted to any participation thereof, or be entitled to make any claims for remissions of assessment on that account.

Jummas that may be assessed on alienated lands to belong exclusively to Government.

Third. The Governor General in Council will impose such assessment as he may deem equitable, on all lands at present alienated and paying no public revenue, which have been, or may be proved to be held under illegal or invalid titles. The assessment so imposed will belong to Government, and no proprietor of land will be entitled to any part of it.

Police allowances in land or money, [illegible] by proprietors whose jumma is declared fixed, resumable by Government.

Fourth. The jumma of those Zemindars, independent Talookdars, and other actual proprietors of land, which is declared fixed in the foregoing articles, is to be considered entirely unconnected with, and exclusive of, any allowances which have been made to them in the adjustment of their jumma, for keeping up tannahs, or police establishments, and also of the produce of any lands which they may have been permitted to appropriate for the same purpose; and the Governor General in Council reserves to himself the option of resuming the whole or part of such allowances, or produce of such lands, according as he may think proper, in consequence of his having exonerated the proprietors of land from the charge of keeping the peace, and appointed officers on the part of Government to superintend the police of the country.

Allowances that may be so resumed not to be added to the jumma, but to be collected separately, and applied solely to the police.

The Governor General in Council, however, declares, that the allowances or produce of lands which may be resumed, will be appropriated to no other purpose but that of defraying the expense of the police; and that instructions will be sent to the Collectors, not to add such allowances, or the produce of such lands, to the jumma of the proprietors of land, but to collect the amount from them separately.

Estates of disqualified proprietors not liable to sale for arrears of assessment accruing whilst they are deprived of the management of them.

Fifth. Nothing contained in this proclamation shall be construed to render the lands of the several descriptions of disqualified proprietors, specified in the first article of the Regulations regarding disqualified landholders, passed on the 15th July 1791, liable to sale for any arrears which have accrued, or may accrue, on the fixed jumma that has been, or may be assessed upon their lands under the above-mentioned Regulations for the decennial settlement; provided that such arrears have accrued, or may accrue, during the time that they have been, or may be dispossessed of the management of their lands, under the said Regulations of the 15th July 1791. It is to be understood, however, that whenever all or any of the descriptions of disqualified landholders, specified in the first article of the last-mentioned Regulations, shall be permitted to assume or retain the management of their lands, in consequence of the ground of their disqualification no longer existing, or of the Governor General in Council dispensing with, altering, or abolishing those Regulations, the lands of such proprietors will be held responsible for the payment of the fixed jumma that has been, or may be assessed thereon, from the time that the management may devolve upon them, in the same manner as the lands of all actual proprietors of land who are declared qualified for the management of their estates, and also of all actual proprietors who are unqualified for such management, by natural or other disabilities, but do not come within the descriptions of disqualified landholders specified in the first article of the

Regulations of the 15th July 1791, are, and will be held answerable for any arrears that are, or may become due from them, on the fixed jumma which they, or any persons on their behalf, have engaged, or may engage to pay, under the above-mentioned Regulations, for the decennial settlement.

Proprietors declared privileged to transfer their lands without the sanction of Government.

IX. Art. VIII. That no doubt may be entertained, whether proprietors of land are entitled, under the existing Regulations, to dispose of their estates without the previous sanction of Government, the Governor General in Council notifies to the Zemindars, independent Talookdars, and other actual proprietors of land, that they are privileged to transfer to whomsoever they may think proper, by sale, gift, or otherwise, their proprietary rights in the whole, or any portion of their respective estates, without applying to Government for its sanction to the transfer, and that all such transfers will be held valid, provided that they be conformable to the Mahommedan or the Hindoo laws (according as the religious persuasions of the parties to each transaction may render the validity of it determinable by the former or the latter code), and that they be not repugnant to any Regulations, now in force, which have been passed by the British Administrations, or to any Regulations that they may hereafter enact.

Provided the transfer be conformable to law, and not contrary to any existing Regulation.

Rules for apportioning the fixed jumma on portions of estates, in the event of their being disposed of at public sale, or transferred by the proprietors, and on shares of estates divided amongst the joint proprietors, upon the transfer or division being notified to the Collector, or other prescribed officer, and the jumma so adjusted declared fixed for ever.

X. Art. IX. From the limitation of the public demand upon the lands, the neat income, and consequently the value (independent of increase of rent obtainable by improvements) of any landed property, for the assessment on which a distinct engagement has been, or may be entered into between Government and the proprietor, or that may be separately assessed, although included in one engagement with other estates belonging to the same proprietor, and which may be offered for public or private sale entire, will always be ascertainable by a comparison of the amount of the fixed jumma assessed upon it, (which, agreeably to the foregoing declarations, is to remain unalterable for ever, to whomsoever the property may be transferred), with the whole of its produce, allowing for the charges of management. But, it is also essential, that a notification should be made of the principles upon which the fixed assessment charged upon any such estate will be apportioned on the several divisions of it, in the event of the whole of it being transferred by public or private sale, or otherwise, in two or more lots, or of a portion of it being transferred in one, or in two or more lots, or of its being joint property, and a division of it being made amongst the proprietors; otherwise, from the want of a declared rule for estimating the proportion of the fixed jumma with which the several shares would be chargeable in such cases, the real value of each share would be uncertain, and consequently the benefits expected to result from fixing the public assessment upon the lands would be but partially obtained. The Governor General in Council has accordingly prescribed the following rules for apportioning the fixed assessment in the several cases above-mentioned; but as Government might sustain a considerable loss of revenue by disproportionate allotments of the assessment, were the apportioning of it, in any of the cases above specified, to be left to the proprietors, he requires, that all such transfers or divisions as may be made by the private act of the parties themselves be notified to the Collector of the Revenue of the zillah in which the lands may be situated, or such other officer as Government may in future prescribe, in order that the fixed jumma, assessed upon the whole estate, may be apportioned on the several shares in the manner hereafter directed, and that the names of the proprietors of each share, and the jumma charged thereon, may be entered upon the public registers, and that separate engagements for the payment of the jumma assessed upon each share may be executed by the proprietors, who will thenceforward be considered as actual proprietors of land. And the Governor General in Council declares, that if the parties to such transfers or divisions shall omit to notify them to the Collector of the Revenue of the zillah, or such other officer as may be hereafter prescribed, for the purposes before-mentioned, the whole of such estate will be held responsible to Government for the discharge of the fixed jumma assessed upon it, in the same manner as if no such transfer or division had ever taken place. The Governor General in Council thinks it necessary further to notify, in elucidation of the declarations contained in this article (which are conformable to the principles of the existing Regulations), that if any Zemindar, independent Talookdar, or other actual proprietor of land, shall dispose of a portion of his or her lands as a dependent talook, the jumma which may be stipulated to be paid by the dependent Talookdar will not be entered upon the records of Government, nor will the transfer exempt such lands from being answerable, in common with the remainder of the estate, for the payment of the public revenue assessed upon the whole of it, in the event of the proprietor, or his or her heirs or successors, falling in arrear from any cause whatever, nor will it be allowed, in any case, to affect the rights or claims of Government, any more than if it had never taken place.

But the transfer of dependent Talooks not to affect the rights or claims of Government in any respect.

First. In the event of the whole of the lands of a Zemindar, independent Talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been, or may be concluded, under the Regulations above-mentioned, being exposed to public sale by the order of the Governor General in Council, for the discharge of arrears of assessment, or in consequence of the decision of a court of justice, in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual produce, as the fixed assessment upon the whole of the lands sold may bear to the whole of their actual produce. This produce shall be ascertained in the mode that is, or may be prescribed by the existing Regulations, or such other Regulations as the Governor General in Council may hereafter adopt, and the purchaser or purchasers of such lands, and his, or her, or their heirs and lawful successors, shall hold them at the jumma at which they may be so purchased, for ever.

Second. When a portion of the lands of a Zemindar, independent Talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been, or may be concluded, under the Regulations before-mentioned, shall be exposed to public sale, by order of the Governor General in Council, for the liquidation of arrears of assessment, or pursuant to the decision of a court of justice, the assessment upon such lands, if disposed of in one lot, shall be fixed at an amount which shall bear the same proportion to their actual produce, as the fixed assessment upon the whole of the lands of such proprietor, including those disposed of, may bear to the whole of their actual produce. If the lands sold shall be disposed of in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual produce, as the fixed assessment upon the whole of the lands of such proprietor, including those sold, may bear to the whole of their actual produce. The actual produce of the whole of the lands of such proprietor, whether the portion of them which may be sold be disposed of in one, or in two or more lots, shall be ascertained in the mode that is or may be prescribed by the existing Regulations, or such other Regulations as the Governor General in Council may hereafter enact, and the purchaser or purchasers of such lands, and his, or her, or their heirs or successors, will be allowed to hold them at the jumma at which they may be so purchased for ever; and the remainder of the public jumma, which will consequently be payable by the former proprietor of the whole estate, on account of the portion of it that may be left in his or her possession, will continue unalterable for ever.

Third. When a Zemindar, independent Talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been, or may be concluded, shall transfer the whole of his or her estate, in two or more distinct portions, to two or more persons, or a portion thereof to one person, or to two or more persons in joint property, by private sale, gift, or otherwise, the assessment upon each distinct portion of such estate, so transferred, shall be fixed at an amount which shall bear the same proportion to its actual produce, as the assessment upon the whole of the estate of the transferring proprietor, of which the whole or a portion may be so transferred, may bear to the whole of its actual produce. This produce shall be ascertained in the mode that is or may be prescribed in the existing Regulations, or such other Regulations as Government may hereafter adopt, and the person or persons to whom such lands may be transferred, and his, or her, or their heirs and lawful successors, shall hold them at the jumma at which they may be so transferred, for ever: and where only a portion of such estates shall be transferred, the remainder of the public jumma which will consequently be payable by the former proprietor of the whole estates on account of the lands that may remain in his or her possession, shall be continued unalterable for ever.

Fourth. Whenever a division shall be made of lands, the settlement of which has been, or may be concluded with or on behalf of the proprietor or proprietors, and that are, or may become the joint property of two or more persons, the assessment upon each share shall be fixed at an amount which shall bear the same proportion to its actual produce as the fixed jumma assessed upon the whole of the estate divided may bear to the whole of its actual produce. This produce shall be ascertained in the mode that is, or may be prescribed by the existing Regulations, or such other Regulations as the Governor General in Council may hereafter adopt, and the sharers, and their heirs and lawful successors, shall hold their respective shares at the jumma which may be so assessed upon them, for ever.

Rules for adjusting the jumma of lands held khas, or let in farm, in the event of the whole or any part of them being disposed of by public sale or private transfer, or divided amongst the proprietors, and the jumma so adjusted declared fixed for ever.

XI. Art. X. The following rules are prescribed respecting the adjustment of the assessment on the lands of Zemindars, independent Talookdars, and other actual proprietors of land, whose lands are or may be held khas or let in farm, in the event of their being disposed of by public sale, or transferred by any private act of the proprietor, or of their being joint property, and a division of them taking place amongst the proprietors.

First. If the whole, or a portion of the lands of a Zemindar, independent

Talookdar, or other actual proprietor of land, who may not have agreed to the payment of the assessment proposed to him or her under the Regulations above-mentioned, and whose lands are, or may be held khas, or let in farm, shall be exposed to public sale, in one, or in two or more lots, pursuant to the decree of a court of justice, such lands, if khas, shall be disposed of at whatever assessment the Governor General in Council may deem equitable, and the purchaser or purchasers of such lands, and his, or her, or their heirs and lawful successors, shall hold the lands at the assessment at which they may be so purchased, for ever. If the lands, at the time of their being exposed to sale, shall be held in farm, and shall be put up in one, or in two or more lots, they shall be disposed of under the following conditions:—The purchaser or purchasers shall receive, during the unexpired part of the term of the lease of the farmer, whatever such proprietor shall have been entitled to receive, in virtue of his or her proprietary rights, on account of the lands so purchased, and such purchaser or purchasers shall engage to pay, at the expiration of the lease of the farmer, such assessment on account of the lands as Government may deem equitable. The sum to be received by the purchaser or purchasers during the unexpired part of the term of the lease of the farmer, and the jumma to be paid by such purchaser or purchasers after the expiration of the lease, shall be specified at the time of the sale, and such purchaser or purchasers, and his, or her, or their heirs and lawful successors, shall be allowed to hold the lands at the assessment at which they may be so purchased, for ever.

Second. If a Zemindar, independent Talookdar, or other actual proprietor of land, whose lands are or may be held khas, or let in farm, shall transfer by private sale, gift, or otherwise, the whole or a portion of his or her lands in one, or in two or more lots, the person or persons to whom the lands may be so transferred, shall be entitled to receive from Government (if the lands are held khas), or from the farmer (if the lands are let in farm), the maliconnah to which the former proprietor was entitled on account of the lands so transferred. Persons to whom such lands may be so transferred will stand in the same predicament as the Zemindars, independent Talookdars, or other actual proprietors of land mentioned in the fourth article, whose lands are held khas, or have been let in farm, in consequence of their refusing to pay the assessment required of them under the before-mentioned Regulations for the decennial settlement, and the declarations contained in that article are to be held applicable to them.

Third. In the event of a division being made of lands that are, or may become, the joint property of two or more persons, and which are, or may be held khas or let in farm, the proprietors of the several shares will stand in the same predicament, with regard to their respective shares, as the Zemindars, independent Talookdars, and other actual proprietors of land specified in the fourth article, whose lands have been let in farm, or are held khas, in consequence of their having refused to pay the assessment required of them under the before-mentioned Regulations for the decennial settlement, and the declarations contained in that article are to be considered applicable to them.

A. D. 1793. REGULATION II.

A Regulation *for abolishing the Courts of Maal Adawlut or Revenue Courts, and transferring the Trial of the Suits which were cognizable in those Courts to the Courts of Dewanny Adawlut; and prescribing Rules for the conduct of the Board of Revenue and the Collectors:* Passed *by the Governor General in Council on the 1st May 1793 (corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree).*

I. In the British territories in Bengal, the greater part of the materials required for the numerous and valuable manufactures, and most of the other principal articles of export, are the produce of the lands: it follows, that the commerce, and consequently the wealth of the country, must increase in proportion to the extension of its agriculture. But it is not for commercial purposes alone that the encouragement of agriculture is essential to the welfare of these provinces. The Hindoos, who form the body of the people, are compelled, by the dictates of religion, to depend solely upon the produce of the lands for subsistence; and the generality of such of the lower orders of the natives as are not of that persuasion, are, from habit or necessity, in a similar predicament. The extensive failure or destruction of the crops that occasionally arises from drought or inundation, is in consequence invariably followed by famine, the ravages of which are felt chiefly by the cultivators of the soil and the manufacturers, from whose labours the country derives both its subsistence and wealth. Experience having evinced that adequate supplies of grain are not obtainable from abroad in seasons of scarcity, the country must necessarily continue subject to these calamities, until the proprietors and cultivators of the lands shall have the means of increasing the number of the reservoirs, embankments, and other artificial works, by which, to a great degree, the untimely cessation of the periodical rains may be provided against, and the lands protected from inundation; and as a necessary consequence, the stock of grain in the country at large shall always be sufficient to supply those occasional, but less extensive deficiencies in the annual produce, which may be expected to occur, notwithstanding the adoption of the above precautions to obviate them. To effect these improvements in agriculture, which must necessarily be followed by the increase of every article of produce, has accordingly been one of the primary objects to which the attention of the British Administration has been directed, in its arrangements for the internal government of these provinces. As being the two fundamental measures essential to the attainment of it, the property in the soil has been declared to be vested in the landholders, and the revenue payable to Government from each estate has been fixed for ever. These measures have at once rendered it the interest of the proprietors to improve their estates, and given them the means of raising the funds necessary for that purpose. The property in the soil was never before formally declared to be vested in the landholders, nor were they allowed to transfer such rights as they did possess, or raise money upon the credit of their tenures, without the previous sanction of Government. With respect to the public demand upon each estate, it was liable to annual or frequent variation at the discretion of Government. The amount of it was fixed upon an estimate formed by the public officers of the aggregate of the rents payable by the Ryots or tenants for each begah of land in cultivation, of which, after deducting the expenses of collection, ten-elevenths were usually considered as the right of the public; and the remainder the share of the landholder. Refusal to pay the sum required of him was followed by his removal from the management of his lands, and the public dues were either let in farm or collected by an officer of Government, and the above-mentioned share of the landholder, or such sum as special custom, or the orders of Government might have fixed, was paid to him by the farmer or from the public treasury. When the extension of cultivation was productive only of a heavier assessment, and even the possession of the property was uncertain, the hereditary landholder had little inducement to improve his estate, and monied men had no encouragement to embark their capital in the purchase or improvement of land, whilst not only the profit, but the security for the capital itself was so precarious. The same causes, therefore, which prevented the improvement of land, depreciated its value. Further measures, however, are essential to the attainment of the important object above stated. All questions between Government and the landholders respecting the assessment and collection of the public revenue, and disputed claims between the latter and their Ryots, or other persons concerned in the collection of their rents, have hitherto been cognizable in the courts of Maal Adawlut, or Revenue courts. The Collectors of the Revenue preside in these courts as judges, and an appeal lies from their decision to the Board of Revenue, and from the decrees of that board to the Governor General in Council in the department of revenue. The proprietors can never consider the privileges which have been conferred upon them as secure, whilst the Revenue officers are vested with these judicial powers. Exclusive of the objections arising to these courts from their irregular, summary, and often *ex-parte* proceedings, and from the Collectors being obliged to suspend the exercise of their judicial functions whenever they interfere with their financial duties, it is obvious, that if the Regulations for assessing and collecting the public revenue are infringed, the Revenue officers themselves must be the aggressors, and that individuals who have been wronged by them in one capacity, can never hope to obtain redress from them in another. Their financial occupations equally disqualify them for administering the laws between the proprietors of land and their tenants. Other security, therefore, must be given to landed property and to the rights attached to it, before the desired improvements in agriculture can be expected to be effected. Government must divest itself of the power of infringing, in its executive capacity, the rights and privileges which, as exercising the legislative authority, it has conferred on the landholders. The Revenue officers must be deprived of their judicial powers. All financial claims of the public, when disputed under the Regulations, must be subjected to the cognizance of courts of judicature, superintended by judges who, from their official situations and the nature of their trusts, shall not only be wholly uninterested in the result of their decisions, but bound to decide impartially between the public and the proprietors of land, and also between the latter and their tenants. The Collectors of the Revenue must not only be divested of the power of deciding upon their own acts, but rendered amenable for them

to

the courts of judicature, and collect the public dues subject to a personal prosecution for every exaction exceeding the amount which they are authorized to demand on behalf of the public, and for every deviation from the Regulations prescribed for the collection of it. No power will then exist in the country, by which the rights vested in the landholders by the Regulations can be infringed or the value of landed property affected. Land must, in consequence, become the most desirable of all property, and the industry of the people will be directed to those improvements in agriculture, which are as essential to their own welfare as to the prosperity of the state. The following rules, being the rules passed for the guidance of the Collectors and the Board of Revenue, on the 8th June 1787 and the 25th April 1788, with alterations adapted to the principles above stated, have been accordingly enacted.

II. From the 1st May 1793, the Courts of Maal Adawlut, or Revenue courts, shall be abolished, and the trial of the suits which were cognizable in those courts, as well as all judicial powers whatsoever heretofore vested in the Collectors of the Revenue or in the Board of Revenue collectively, as a court of appeal, or in any member of that board individually, shall be transferred to the courts of Dewanny Adawlut.

Courts of Maal Adawlut abolished from the 1st May 1793, and the cognizance of causes tried therein transferred to the courts of Dewanny Adawlut.

III. The collection of the revenue payable to Government from the estates in each zillah is to be committed, as heretofore, to a civil covenanted servant of the Company, who is to be styled Collector of the Revenue of the zillah to which he may be appointed. Previous to entering upon the execution of the duties of his office, he is to take the oath prescribed by Act of Parliament for servants of the Company employed in the management or collection of the revenue, before one of the Judges of the Supreme Court of Judicature.

Collection of the land revenue to be committed to civil covenanted servants of the Company.

Oath to be taken by Collectors.

IV. The Collectors are to correspond with the Board of Revenue, and to conform to all instructions with which they have been furnished by that board, and that are or may not be altered or revoked by this or any other Regulation published in the manner directed in Regulation XLI. 1793, and also to all instructions which the Board of Revenue may hereafter transmit to them.

Collectors to correspond with and obey all orders from the Board of Revenue.

V. The Collectors of the several zillahs are to use a circular seal, one inch and a half in diameter. The seals of the Collectors in Bengal and Orissa are to bear an inscription to the following effect, in the Bengal and Persian characters and languages, and the seals of the Collectors in Behar a similar inscription, in the Persian character and language, and the Hindostanny language and Nageree character: "The seal of the Collector of the zillah of ...."

Seals of the Collectors.

VI. The Collectors are to keep a regular diary of their official transactions, either in the English, Persian, or Bengal language, recording and attesting them with their official signature at the time they may take place.

Collectors to keep an attested diary of their official transactions.

VII. The duties prescribed in the following section are to be performed by the Collectors under the superintendence of the Board of Revenue.

Duties to be performed by the Collectors under the superintendence of the Board of Revenue.

VIII. *First.* To collect the amount of the fixed revenue assessed upon the lands of the Zemindars, independent Talookdars, or other actual proprietors of land, with or on behalf of whom a settlement has been or may be concluded.

To collect the public dues from proprietors,

Second.

and farmers of land,

Second. To collect the stipulated annual revenue from the farmers of estates let in farm.

and from lands held khas.

Third. To levy the rents and revenue from estates held khas.

To make the future settlement of farmed or khas lands.

Fourth. To make the future settlement of khas, or farmed estates, agreeably to the regulations and instructions which they may receive for that purpose.

To prosecute for the public dues from lands illegally held exempt from the payment of revenue.

Fifth. To prosecute for the recovery of the dues of Government from lands, of whatever description, held exempt from the payment of revenue under illegal or invalid tenures.

To pay the zemindary pensions included in the public jumma, and the sayer pensions and compensations.

Sixth. To pay the pensions and allowances included in the public revenue, and the pensions and compensations granted in consequence of the abolition of the sayer.

To execute the orders of the court of wards.

Seventh. To execute the instructions which may be issued to them by the court of wards, regarding disqualified landholders and their estates.

To superintend the division of estates.

Eighth. To superintend the division of landed property paying revenue to Government, which may be ordered to be divided into two or more distinct estates.

To apportion the jumma on lands disposed of at public sale.

Ninth. To apportion the public revenue on lands ordered to be disposed of at public sale for the discharge of arrears of revenue.

To collect the tax on spirituous liquors or intoxicating drugs or articles.

Tenth. To collect the tax on spirituous liquors and intoxicating drugs or articles.

To procure lands for native invalid soldiers.

Eleventh. To procure lands for the native invalid soldiers, who may accept of a provision in land.

To collect the police tax.

Twelfth. To collect the tax for defraying the expense of the police.

To perform the above, and all other duties, according to the Regulations.

Thirteenth. To perform the above, and all other duties, according to the rules that have been or may be prescribed to them, by any Regulation published in the manner directed in Regulation XLI. 1793.

To furnish the required annual and other accounts.

Fourteenth. To transmit such annual, monthly, or other accounts as they now furnish, or may be hereafter required to send by the Board of Revenue, or any officer under that board empowered to require such accounts.

To conform to all special orders from the Board of Revenue or public officers.

Fifteenth. To conform to all special orders that have been or may be issued to them by the Board of Revenue, or by public officers empowered to issue such orders.

Dewan and native officers to obey the orders of the Collector.
Not to perform any official act without his sanction.
Penalty.

IX. The Dewan, and all native officers under the Collector, are to act agreeably to his orders and such rules as he may prescribe. They are not to perform any act of authority without his sanction or authority, under pain of being fined in a sum not exceeding six months' salary, or of being dismissed from their offices by the Collector, the Board of Revenue, or the Governor General in Council, and also of being sued in the court of judicature for damages by any person who may consider himself aggrieved by such unauthorized act.

Collectors not to employ their private servants in public matters.

X. The Collectors are prohibited from employing, directly or indirectly, their private servants, whether banyans or others, in the discharge of any part of their public duties, it being required that, in all matters relating to the trust committed to them, they act as the only empowered agents of Government.

This prohibition not to prevent their employing their public officers in the manner authorized.

This prohibition, however, is not meant to restrict them from occasionally employing their assistants or Dewans, or their inferior public servants, in the cases, and in the manner in which they are authorized to make use of their agency.

XI. The Khezanchee, or native cash-keeper in each zillah, is to be nominated by the Collector, who is to take good and sufficient security from him for the faithful discharge of his trust, and for making good all deficiencies in the public money that may be committed to his charge. The Collector is to transmit the names of the person whom he may nominate to the office of Khezanchee, and of his surety, with a copy of the engagement, executed by the latter, to the Board of Revenue; but the person so nominated shall not be considered as appointed until the Board of Revenue shall have signified their approbation both of him and his surety. The native cash-keeper so appointed, shall not be removed but for misconduct, or other sufficient cause, proved to the satisfaction of the Board of Revenue, and he and the Collector shall be held jointly and severally responsible to Government for the public money committed to their charge.

Rules respecting the appointment and removal of native cash-keepers.

XII. All issues from the treasuries of the Collectors are to be made under a warrant signed by the Collector, and sealed with the seal of the zillah, and countersigned by the Dewan, who shall write under his signature the sum for which the warrant may be granted. The native cash-keeper is prohibited paying any money without such written authority, under the penalty of being made responsible for it should the payment be afterwards found to have been unduly made. These warrants are to be numbered, and a register of them is to be kept in the current language of the country by the keepers of the native records, who are to attest, by their respective signatures on the face of the warrant, that it has been duly registered.

Form to be observed in issuing public money.

XIII. The appointment and dismission of all native public servants on the establishments of the collectorships (the keepers of the native records and the Khezanchee excepted) are vested in the Collectors. But they are to transmit to the Board of Revenue regular notice of all appointments and removals, and are to employ none but such public and registered officers in matters in any respect relating to their official duty, and are not, under any plea or pretext, to confer on their public officers any private trust relating to their personal concerns.

Appointment and removal of all native servants vested in the Collector.

Exceptions.

To notify all appointments and removals to the Board of Revenue.

Public and registered officers only to be employed in public matters.

XIV. In the event of the death or removal of a Collector, or of his absence from his station, the senior Assistant on the spot is to perform the duties of Collector, and the Dewan and the public officers of the collectorship are accordingly to obey his orders.

In the absence of the Collector, the senior Assistant to officiate in his room.

XV. No Collector, Assistant, or Dewan to a Collector, or any native in the employ of a Collector or of an Assistant, shall hold, directly or indirectly, any farm, or be concerned on their private account in the collection or payment of the revenue of any lands in the zillah, either as farmer, surety, or otherwise; and native officers and private servants and dependents of Collectors and Assistants are prohibited from purchasing, directly or indirectly, any land that the Collector may dispose of at public sale, under the penalty of forfeiting the property to Government, upon proof being made, to the satisfaction of the Governor General in Council, of the property having been so purchased.

Collectors and their officers prohibited being concerned extra-officially in the revenues.

Native officers, &c. prohibited purchasing lands at public sale in the sillah.

XVI. The rules in the preceding section, however, are not to be considered to prohibit a Dewan or other native officer of a Collector, or any private

This rule not to preclude such native officers or servants from [illegible] purchase of land at private sale.

servant of a Collector or of an Assistant, from purchasing *bonâ fide* the proprietary right in lands situated in the zillah, by private sale.

Collectors not to give lands in farm to Europeans, or to accept their security for farmers, Talookdars, or Ryots.

XVII. No Collector shall give land in farm to a European, directly or indirectly, or accept the security of a European for any farmer, dependent Talookdar, or Ryot.

Collectors, Assistants, and Dewans, prohibited from trading.

This prohibition, with regard to Collectors and their Assistants, to extend to the purchase of goods for remitting money to Europe.

XVIII. No Collector, Assistant, or Dewan, shall, directly or indirectly, carry on any trade, or be concerned in any commercial transaction whatever. This prohibition, with regard to Collectors and their Assistants, is declared to extend to the purchase, directly or indirectly, of any goods or commodities in the British dominions in Bengal, for the purpose of remitting money to Europe.

Dewans of the Collectors prohibited lending money to proprietors of land, &c.

Such prohibited loans not recoverable in any court of judicature.

XIX. The Dewans of the Collectors are prohibited lending money, directly or indirectly, to any proprietor or farmer of land, dependent Talookdar, under-farmer, or Ryot. Loans made in opposition to this rule shall not be recoverable in any court of judicature.

Collectors to keep complete, and preserve, the public records.

XX. The Collectors are to be careful that the accounts and records of their respective zillahs are kept complete and duly preserved.

Rules for rendering the zillahs compact.

XXI. To render the several zillahs as compact as possible, the Collectors are to report every instance in which lands included in their respective zillahs may be circumscribed by any other zillah, and also where lands included in other zillahs are circumscribed by their own zillahs, in order that such lands may be annexed to the zillah by which they are circumscribed. The Collectors are also to send information to the Board of Revenue of any parts of their zillahs which may be intersected by the rivers Ganges, Megna, or Berampootre.

Sepoys not to be employed in the collection of the revenue.

XXII. The Collectors are not to employ sepoys in the collection of the public revenue.

Collectors not to make advances of tuccavy without the orders of the Board of Revenue.

XXIII. Collectors are not to advance money on account of tuccavy, without the express sanction of the Board of Revenue.

Collectors not to exercise any authority beyond the limits of their respective zillahs without general or special orders.

XXIV. The Collectors are prohibited deputing any person into the zillah of any other Collector, or exercising any authority beyond the limits of their respective zillahs, excepting in cases in which they may be authorized so to do by a Regulation published in the manner directed in Regulation XLI. 1793, or by special orders from a competent authority.

Rule with regard to receipts.

XXV. The Collectors are to give monthly receipts for all payments of revenue into their treasuries, specifying the date or dates on which the money may be received, and the species of rupee in which each payment may be made. The keepers of the native records are to keep a register of these receipts regularly numbered. After having registered the receipts, they are to attest on the face of them the date on which they may be registered. A copy of this register is to be transmitted monthly to the Board of Revenue, or as often as that board may require. A similar register of receipts is to be kept by all Tehsildars, Sezawuls, or other native officers entrusted with the immediate collection of the public revenue, and a copy of it is to be transmitted to the Collector monthly, or as often as he may require.

XXVI. The monthly, or other receipts, for salaries, pensions, or allowances, of whatever kind, which may be paid by the Collectors, are to be deposited amongst the public records of their respective zillahs, and a register of them is to be kept by the keepers of the native records. A copy of the register is to be transmitted annually to the Board of Revenue.

Monthly receipts for salaries, &c. to be deposited amongst the public records and registered.

Copy of the register to be sent annually to the Board of Revenue.

XXVII. To prevent loss of revenue or confusion in accounts from the resignation or removal of Collectors, no Collector is to be permitted to depart from his station, until he shall have either delivered over complete charge of his trust to his successor or to his Assistant, and until notification shall have been made to the Board of Revenue of his having complied with this rule, and their sanction shall have been obtained for his departure. This rule shall on no account be dispensed with, unless by special permission from the Board of Revenue, which is to be granted only in particular cases that may appear to them to require it.

Collectors resigning or removed, not to quit their station until they have made over complete charge of their trust, and obtained the sanction of the Board of Revenue to their departure.

XXVIII. The Collectors are to pay due attention to all references or requisitions that may be made to them by the President or acting President of the Board of Revenue, for papers, or accounts, or information on matters relating to their public duty.

Collectors to attend to references made by the President or acting President respecting the matters herein specified.

XXIX. The superintendence of the settlement and collection of the public revenue payable from the lands, and of all other matters entrusted to the Collectors, is vested, as heretofore, in a Board of Revenue, consisting of a President and four other members. Each of the four junior members, previous to entering upon the execution of the duties of his office, is to take the oath prescribed by Act of Parliament for servants of the Company employed in the management and collection of the revenue, before one of the Judges of the Supreme Court of Judicature.

Board of Revenue to superintend the conduct of the Collectors.

XXX. The Board are to be careful that the officers under their authority perform their assigned duties with regularity, integrity, and assiduity; and they are required to punish the officers under them, as far as the power vested in them for the purpose may allow, for disobedience or inattention to any Regulation printed and published in the manner directed in Regulation XLI. 1793, or to any special orders, and to report every such occurrence to the Governor General in Council.

To see that the officers under them duly perform their duties.

To punish them for disobedience of public Regulations;

reporting the circumstances to the Governor General in Council.

XXXI. *First.* To enable them to control their officers with effect, they are invested with the following powers for the investigation and punishment of offences committed by any officer subject to their authority, according to their nature and extent.

Powers vested in the Board of Revenue to inquire into and punish offences committed by officers subject to their authority.

Second. To summon him to the presidency to explain and justify his conduct, and to suspend him from his office, reporting to the Governor General in Council every instance in which they may exercise these powers.

To summon him to the presidency, or to suspend him from his office.

Third. To impose a fine upon him, not exceeding the amount of his salary for one month.

To fine him.

Fourth. It is to be understood, however, that any inquiry which the Board of Revenue may make into the misconduct of any officer subject to their authority, or any fine that they may impose upon him, or order which they may pass respecting him, is not to preclude persons who may have been

Such inquiry and punishment not to exempt the officer from being sued in a court of judicature by individuals who may have been injured by his misconduct.

injured by him, from suing him for the injury in any court of judicature to which he may be amenable.

Rules regarding deputations, the [illegible] of the persons deputed, and defraying the expenses.

XXXII. Deputations ordered by the Board of Revenue are to be immediately reported to the Governor General in Council, with the grounds on which they may have been ordered: and in all instances admitting of a limitation for completing the business of the deputation, a time is to be fixed for the performance of it, beyond which the person deputed is to receive no allowance or compensation, without explaining the cause of the delay to the full satisfaction of the Board.

Cases in which the Board of Revenue may require the personal attendance of natives.

XXXIII. The Board of Revenue are empowered to require the personal attendance of any proprietor or farmer of land, or any dependent Talookdar, under-farmer, or Ryot, or any native officer employed under a Collector, for the purpose of adjusting any settlement, or examining any accounts, or inquiring into any matter coming within their cognizance, provided the personal attendance of the party shall appear to them indispensably necessary. In such cases, the Board are to direct the Collector to serve such person with a written notice under his official seal and signature, specifying the business on account of which his attendance is judged necessary, and requiring him to attend the Board by such period as they may limit, under pain of being subject to such daily fine until he attends, or shews satisfactory cause for his non-attendance, as the Board may think proper to impose. The Board are empowered to fine such persons neglecting to appear by the time required, in such amount as may appear to them proper upon a consideration of the case, and the situation and circumstances in life of the party, and the amount of the fine shall be levied by the Collector, by the process prescribed for the recovery of arrears of revenue. But the Board of Revenue are prohibited requiring the personal attendance of any person in cases in which the business can be transacted by a Vakeel.

Orders of the Board to be sent to the proper executive officers to be enforced.

XXXIV. All perwannahs, orders, and directions, issued in consequence of the resolutions of the Board, are to be sent to the proper executive officers to be by them enforced.

No member, excepting the President, to perform any separate act of authority.

XXXV. No member of the Board, excepting the President as hereafter specially empowered, is to exercise any separate act of authority; unless in cases in which, for the dispatch of business, the Board may think it proper to commit the charge of any specific duty to any member separately.

Exception to the rule.

Board of Revenue empowered to issue orders to their subordinate officers for forming the settlement of lands held khas.

XXXVI. The Board of Revenue are empowered to issue orders to their subordinate officers for making the settlement of lands that are or may be khas, in conformity to the Regulations, and any special instructions which may be prescribed to them by the Governor General in Council.

Security for the payment of the revenue not to be demanded from proprietors,

XXXVII. In all cases of a settlement being made with or on behalf of Zemindars, independent Talookdars, or other actual proprietors of land, their lands are to be deemed sufficient security for the payment of the revenue.

but to be required in all cases from farmers.

But where lands are let in farm, a malzamin, or surety for the punctual discharge of the revenue, is to be invariably required.

Remissions not to be granted without the

XXXVIII. No remissions upon the settlement of a preceding year, nor any remissions whatsoever, are to be granted by the Board without the sanction of the Governor General in Council.

sanction of the Governor General in Council.

XXXIX. It is to be observed as a general principle, that the settlement of lands that are or may be khas, is to be made by the Collectors under the regulations and the instructions of the Board of Revenue. But if the Board should deem a special deputation of one of their members, or of any other person, necessary to form the settlement of any such lands, they are to propose the measure to the Governor General in Council, with their reasons for recommending it.

Settlements to be made by the Collectors.

XL. Upon a settlement being concluded with any proprietor or farmer, conformably to the Regulations, the Board of Revenue are to issue the usual bundobusty perwannah to the proprietor or farmer, without applying to the Governor General in Council for his sanction for that purpose.

Upon a settlement being concluded, the Board of Revenue to issue the usual bundobusty perwannahs without reference to the Governor General in Council.

XLI. The collection of the revenue is committed to the Collectors; but the Board of Revenue are to see that the revenues are realized by the stipulated periods, or that solid and satisfactory reasons are assigned by the Collectors for any delay or deficiency. The power of coercion over the proprietors and farmers of land is also vested in the Collectors, as prescribed in Regulation XIV. 1793.

Revenue to be levied by the Collectors.

Board of Revenue to see that it is punctually collected, or that satisfactory reasons are assigned for the arrears.

Process for the recovery of arrears to be issued by the Collectors only.

XLII. The Board are authorized to grant temporary suspensions of the demands of revenue whenever it may appear to them indispensably necessary, reporting the sum suspended, without delay, to the Governor General in Council, with their reasons for the measure. But they are not to grant any suspensions beyond the current year.

Board empowered to grant temporary suspensions.

Period for the payment of the sum suspended not to be extended beyond the year in which it may be granted.

XLIII. No remissions of balances are to be granted without the special authority of the Governor General in Council.

Remissions of balances not to be granted without the special sanction of the Governor General in Council.

XLIV. They are also authorized to grant advances of tuccavy to proprietors or farmers of land, where it shall appear essentially necessary, in proportions not exceeding five per cent. on the revenue payable from the lands to Government, reporting all such instances to the Governor General in Council. Where a larger sum may be required, his sanction must be previously obtained. The interest to be taken on such advances is to be one per cent. per mensem.

Board of Revenue empowered to advance tuccavy under restrictions herein specified.

XLV. The Board of Revenue are to furnish the Governor General in Council with such annual, monthly, or other accounts, as they now are, or may be required to submit to him. They are likewise to observe all special orders which they have received, or may receive from the Governor General in Council.

Board of Revenue to furnish the Governor General in Council with the accounts required of them.

XLVI. The Board of Revenue, collectively and individually, are prohibited from being concerned, directly or indirectly, in trade or commerce (which prohibition is to be understood to extend to the purchase of any goods or commodities in the British dominions in Bengal, for the purpose of remitting money to Europe), or in any house of agency, or in the direction or management of any bank, or in any transactions for borrowing money with any native revenue officer, or any person responsible for the collection or payment of the public revenue. They are likewise prohibited, without obtaining the previous sanction of the Governor General in Council for that purpose, giving land in

Prohibitions to be observed by the Board of Revenue.

farm to any European, directly or indirectly, or accepting the security of a European for any farmer, dependent Talookdar, or Ryot, or granting, or confirming any grant of malguzarry or lakheraj land, or confirming the succession of any person to such lands, or continuing the pension of any deceased officer or pensioner to his family, or making any new general rule whatever.

Board to transmit to the Governor General in Council originals or acknowledgments for places restored to foreign powers.

XLVII. The Board of Revenue are to transmit to the Governor General in Council all original acknowledgments which may be delivered to them for places that they may be directed to restore to foreign nations.

To cause separate accounts to be kept of expenses incurred in reducing rebellious Zemindars or others.

XLVIII. The Board are to cause separate accounts to be kept of all expenses incurred in reducing rebellious Zemindars, or other persons, with a view of obtaining reimbursement from the offenders.

Board to meet on two fixed days in each week, or as often as may be necessary.

Two members to form a board.

XLIX. The Board of Revenue are to assemble on two fixed days in every week, or as much oftener as the exigency of the business may require. Two members shall be sufficient to form a board.

President may summon extraordinary meetings.

L. Extraordinary meetings are to be held whenever deemed necessary by the President; who, in such cases, is to order the Secretary to send a written summons to each of the members.

Cases in which the President is to summon a meeting at the request of any of the members of the Board.

LI. If a member of the Board should have any material business to lay before them, or communications to make to them, which cannot be taken into consideration on the usual days of meeting, he is to inform the President, and request him to order an extra meeting to be summoned, and the President is to comply with the request. The Board are to keep regular minutes of their proceedings, and report to the Governor General in Council all subjects of importance which may require their sanction or special instructions, before the execution of any final resolution on them.

Board to keep minutes of their proceedings, and to refer to the Governor General in Council matters on which his orders may be necessary.

President to determine what business shall be first brought before the Board,

and to propose resolutions,

or specific questions for the opinion of the members.

Opinion of the junior member to be first recorded.

LII. The President is to determine what business shall be first brought before the Board, and he is to prescribe the selection and arrangement of it for their consideration. After the papers have been read, he is to propose such resolutions upon them as he may deem proper for the consideration of the Board at large; or he may state specific questions for the opinions of the members, beginning with the junior member, whose opinion shall be first taken and recorded.

Minutes or suggestions of members to follow, and the majority of voices to decide.

LIII. After either of these forms have been attended to, any minutes or suggestions that a member may have to offer are to follow; and the resolutions proposed are to be confirmed, or the questions determined, by the majority of voices.

Any new proposition respecting the matter in debate how to be discussed.

LIV. If any new proposition relating to the business under debate shall arise from the minute or suggestions of any member, it is to be discussed after the first resolutions or questions have been disposed of; and, for this purpose, the President is to present it for the consideration of the Board.

Rules for cases in which the President shall not propose resolutions or questions after the papers are read.

LV. But if the President, after the papers have been read, should decline proposing any resolutions or questions upon them for the consideration and determination of the Board, any other member may propose or deliver to the Secretary the resolutions or questions which he wishes to be considered, and the Secretary is to read them, that they may be decided upon, the junior member giving his opinion to be first recorded; the other members delivering their sentiments in order, and the President stating his opinion last.

LVI. In cases in which there shall be a difference of opinion, and where the voices are equal, the President shall have a casting vote.

President to have the casting vote where the voices are equal.

LVII. The resolution of the majority of the Board, in case of dissentient voices, is to be carried into execution, unless it shall be agreed by the majority to postpone it. The proceedings of the Board are to be referred to the Governor General in Council at the motion of any member; but all such references are to be accompanied with a letter, stating the substance of the subject discussed, with distinct propositions arising from the opinions given thereon, for the decision of the Governor General in Council.

Resolution of the majority to be carried into execution.

Exception to the rule.

Proceedings to be referred to the Governor General in Council at the motion of any member.

Letter which is to accompany such references.

LVIII. Dissents from the resolutions of the majority of the Board are to be entered after the resolutions; but any member who may record his dissent from a resolution of the majority, is to be at liberty to deliver his reasons for that dissent at the next or a subsequent meeting of the Board. Any member also acceding to, or dissenting from any proposed resolution, may simply record his affirmative or negative at the time, and deliver in the grounds of his vote at a subsequent meeting: but no opinions shall be recorded on the proceedings of the day unless delivered before the adjournment of the Board, and no alterations made in opinions replied to without general consent. For the purpose of expediting the dispatch of letters in particular cases in which it may be necessary, the signatures of two members to any letter shall be deemed sufficient, and all letters are to be invariably signed when presented without any unnecessary detention. Extracts from proceedings, and other enclosures, duly examined and attested, are not to be delayed for the perusal of the members, the Secretary being answerable for the accuracy of the extract, and the examiner for the correctness of the copy.

Dissents from the resolution of the majority where to be entered.

Dissenting members at liberty to record the grounds of their dissent at the next meeting.

Opinions not to be recorded on the proceedings of the day unless delivered before the adjournment of the Board.

Cases in which the signature of two members to a letter shall be sufficient.

Secretary to be responsible that extracts are properly made.

LIX. If any particular business should occur to a member, which is not immediately before the Board amongst the current papers selected for their consideration, or expressly referred to therein, he is to communicate it to the President, that it may be brought forward at a proper time, according to his judgment of its importance on a comparison with that of the subjects selected for consideration; and if it should not be discussed at that meeting, the President is required to introduce it as the first subject of discussion at the next.

Rules for cases in which any business of importance may occur to a member that may not be included amongst the papers selected for the consideration of the Board.

LX. All papers or accounts referred to the Governor General in Council for orders are to be accompanied by a letter, explaining summarily the business referred and stating the opinion of the Board respecting it. And in forming the settlement of lands, whenever it may appear to them necessary to grant an abatement on the former jumma, the amount of the abatement, and the jumma proposed, are to be specified in the body of the letter.

Rules respecting references to the Governor General in Council for orders.

LXI. The Board of Revenue are to be particularly careful to preserve their records complete; and, for this purpose, they are to direct an annual list to be formed of all the English records in their office not entered in their books of proceedings, which are to be registered numerically, according to the dates of their receipt or record.

Records of the Board to be carefully preserved.

No member, excepting the President, shall have copies of any papers but his own minutes.

Officers of the Board not allowed to take copies of papers for their own use.

LXII. No member of the Board of Revenue, excepting the President, shall be allowed to have copies of any of the records, excepting of his own minutes; nor shall any officer of the Board have copies of any of the papers for his private use.

Rule for keeping the records complete and ready for inspection.

LXIII. For the purpose of preserving the records complete, and ready for inspection at all times, the members are to attend at the house where the Board assemble, for the purpose of consulting the records whenever they may find it necessary. But if any member of the Board should occasionally wish to peruse any of the records at his own house, he may do it with the consent of the Board, to whom he is to signify his wish at their meeting, receiving them from, and returning them to one of the Secretaries, who is required to keep a memorandum of their delivery and return. It is to be at the option of the Board to give or refuse their acquiescence to any such application, which the member making it may record or not as he thinks proper, the object of this restriction being to prevent the loss of the records, or any obstruction to the official business, by an unseasonable removal of them.

Board to furnish copies of their proceedings monthly for the Court of Directors and the Governor General in Council.

LXIV. On the thirtieth of each calendar month, the Board of Revenue are to submit to the Governor General in Council one complete set of their proceedings for the preceding month, with the usual index and appendix; and as soon afterwards as may be practicable, a second complete set, to be forwarded to the Honourable Court of Directors.

Special powers of the President.

LXV. Exclusive of the authority vested in the President of the Board of Revenue by any of the rules above stated, he is declared to possess the following special powers and privileges. To issue of his own authority, during the intervals of the meetings of the Board, such occasional or subsidiary orders as may be necessary for carrying into execution any existing resolutions of the Board, or for the attendance of persons, or for preparing materials for the consideration of the Board, or regarding any matters which the Board may judge it advisable to commit to his separate charge as their executive member.

Officers of the Board to obey the President.

LXVI. All European and native officers of the Board are required to obey the orders of the President, in all matters in which he is authorized to issue orders.

Collectors and subordinate officers to obey the requisitions of the President in the cases herein specified.

LXVII. The President of the Board is empowered to require the Collectors, and other subordinate officers, to furnish him with papers, accounts, or information, for the use of the Board, or to cause the attendance of individuals whose personal appearance they are authorized to require at the Board.

President may have copies of the records or the records themselves sent to him.

LXVIII. The President is also authorized to have copies of any of the records, or to have the records themselves sent to him, whenever he may require them, one of the Secretaries, in the latter case, minuting their delivery and return.

President may adjourn the meeting to the next fixed day of meeting.

Not to make two adjournments successively.

If he is unable to attend on the second day fixed, the senior member present to preside.

LXIX. The President is authorized to adjourn the meeting of the Board from one of the fixed days to the succeeding fixed day, in case he should, from indisposition or other cause, be unable to attend; but he is not to make two adjournments successively. If he should be unable to attend on the second day fixed for meeting, the senior member present is to preside in his stead.

LXX. Whatever powers are declared to be vested in the President are likewise vested in the acting President for the time being; and in the event of the absence of the President from sickness or other cause, the senior member present is to preside, and discharge all his functions.

Powers of the President vested in the acting President for the time being.
Senior member to preside in the absence of the President.

A.D. 1793. REGULATION III.

A Regulation *for extending and defining the Jurisdiction of the Courts of Dewanny Adawlut, or Courts of Judicature for the Trial of civil Suits in the first Instance, established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad:* Passed *by the Governor General in Council on the* 1*st May* 1793 (*corresponding with the* 21*st Bysaak,* 1200 *Bengal era; the* 6*th Bysaak,* 1200 *Fussily; the* 21*st Bysaak,* 1200 *Willaity; the* 6*th Bysaak,* 1850 *Sumbut; and the* 19*th Ramzaan,* 1207 *Hijeree*).

I. The many valuable privileges and immunities which have been conferred upon the natives of these provinces, evince the solicitude of the British Government to promote their welfare, and must satisfy them that the Regulations which may be adopted for the internal government of the country will be calculated to preserve to them the laws of the Shaster and the Koran in matters to which they have been invariably applied, to protect them in the free exercise of their religion, and to afford security to their persons and property. The benefit, however, which they would derive solely from Regulations enacted for the above purposes would be but partial, unless the judicial establishments for dispensing those Regulations are framed upon principles which will render them the means of protecting private rights and property, under the changes and temporary derangements to which all forms of government must occasionally be liable. To ensure, therefore, to the people of this country, as far as is practicable, the uninterrupted enjoyment of the inestimable benefit of good laws duly administered, Government has determined to divest itself of the power of interfering in the administration of the laws and Regulations in the first instance, reserving only, as a court of appeal or review, the decision of certain cases in the last resort; and to lodge its judicial authority in courts of justice, the Judges of which shall not only be bound by the most solemn oaths to dispense the laws and Regulations impartially, but be so circumstanced as to have no plea for not discharging their high and important trusts with diligence and uprightness. They have resolved that the authority of the laws and Regulations so lodged in the courts, shall extend not only to all suits between native individuals, but that the officers of Government employed in the collection of the revenue, the provision of the Company's investment, and all other financial or commercial concerns of the public, shall be amenable to the courts for acts done in their official capacity in opposition to the Regulations; and that Government itself, in superintending these various branches of the resources of the state, may be precluded from injuring private property, they have determined to submit the claims and interests of the public in such matters, to be decided by the courts of justice according to the Regulations, in the same manner as suits between individuals. To deprive the Judges of the courts of the power of delaying or denying justice, the Governor General in Council has determined to frame the constitution of the courts upon such principles, as will enable every individual, by the mere observance of certain forms, to command at all times the exercise of the judicial power of the state thus lodged in the courts, for the redress of any injury which he may have sustained in his person or property. A system for the administration of the laws and Regulations so constituted, will contain an active principle which, allowing for the various characters and dispositions of those who may be employed in the immediate conduct of it, must continually operate to the important ends of compelling men to be just in their dealings; bringing into action that spirit of industry which is implanted in mankind, and which exerts itself in proportion as individuals are certain of enjoying the fruits of it, dispensing prosperity and happiness to the great body of the people, and increasing the power of the state, which must be proportionate to the collective wealth that by good government it may enable its subjects to acquire. As the basis of this system for the administration of justice, the Governor General in Council has lodged the powers specified in this Regulation in the courts of Dewanny Adawlut established in the several zillahs, and in the cities of Patna, Dacca, and Moorshedabad, for the trial of civil suits in the first instance.

Courts of Dewanny Adawlut to be denominated after the zillah or city in which they are respectively established.

II. The courts of Dewanny Adawlut, or courts of judicature for the trial of civil suits in the first Instance, established in the several zillahs in the provinces of Bengal, Behar, and Orissa, and, in the cities of Patna, Dacca, and Moorshedabad, are to be denominated after the zillah or the city in which they are respectively established, as follows:

The court of Dewanny Adawlut established in the zillah of	is to be denominated the court of Dewanny Adawlut for the zillah of
Nuddea,	Nuddea,
Beerbhoom,	Beerbhoom,
Burdwan,	Burdwan,
Midnapore,	Midnapore,
Twenty-four Purgunnahs,	Twenty-four Purgunnahs,
Jessore,	Jessore,
Moorshedabad,	Moorshedabad,
Boglepore,	Boglepore,
Rajeshahee,	Rajeshahee,
Purneah,	Purneah,
Dinagepore,	Dinagepore,
Rungpore,	Rungpore,
Cooch Behar,	Cooch Behar,
Sylhet,	Sylhet,
Dacca Jelalpore,	Dacca Jelalpore,
Momensing,	Momensing,
Tipperah,	Tipperah,
Chittagong,	Chittagong,
Behar proper,	Behar proper,
Shahabad,	Shahabad,
Sarun,	Sarun,
Tirhoot,	Tirhoot,
Ramgur,	Ramgur.

The court of Dewanny Adawlut established at the city of	Moorshedabad, Dacca, Patna,	is to be denominated the court of Dewanny Adawlut for the city of	Moorshedabad, Dacca, Patna.

Each zillah and city court to be superintended by one Judge.

III. Each zillah and city court is to be superintended by one Judge, who, previous to entering upon the execution of the duties of his office, is to take and subscribe the following oath before the Governor General in Council, or any person whom he may commission to administer it:

Oath to be taken by the Judges of the zillah and city courts.

"I, A. B., appointed Judge of the Dewanny Adawlut of the zillah (or "city) of ...., solemnly swear, that I will administer justice "conformably to the Regulations that have been or may be passed by the "Governor General in Council, to the best of my ability, knowledge, and "judgment, without fear, favour, promise, or hope of reward; that I will "not receive, directly or indirectly, any present or nuzzer, in money or "effects of any kind, from any party or person whomsoever, on account of "any suit to be instituted, or which may be depending, or have been decided "in the court of which I am appointed Judge; that I will not knowingly "permit any person or persons under my authority, or in my immediate "service, to receive, directly or indirectly, any present or nuzzer, in money "or effects, from any party or person whomsover, on account of any suit to "be instituted, or which may be depending, or have been decided in the "court; that I will render a true and faithful account of all sums of money "that may be paid into the court, or disbursed from it; that I will not be "concerned, directly or indirectly, in the purchase of any goods or commo"dities in the British dominions in Bengal for the purpose of remitting "money to Europe, nor in any commercial transactions; and that I will "not derive, directly or indirectly, any emoluments or advantages from my "station, excepting such as the orders of Government do or may authorize "me to receive: So help me God."

Special jurisdiction of the zillah courts.

IV. The special jurisdiction of the zillah courts is to extend throughout the districts and places that are or may be included in the zillahs in which they are respectively established, with this exception, that the courts in the zillahs of Moorshedabad, Dacca, Jelalpore, and Behar proper, are not to have any jurisdiction within the limits of the special jurisdiction of the courts for the cities of Moorshedabad, Dacca, and Patna. The special jurisdiction of the courts of Dewanny Adawlut for the cities of Moorshedabad, Dacca, and Patna, is to extend over those cities and the places adjacent, which are or may be included in the limits of their respective jurisdictions.

Jurisdiction of the three city courts.

Courts to be held in a large room three days in every week, or oftener if necessary.

V. The zillah and city courts are to be held in a large and convenient room in the city or place at which they are respectively established, three days in every week, or oftener if the state of the business shall render it necessary. Whenever the Judge of a zillah or city court, from indisposition or other cause, shall be prevented holding a court three days in each week, as above required, he is, at the expiration of the week, to report the cause of the court not being so held to the Sudder Dewanny Adawlut. This report is not to be made when the court may be shut pursuant to orders from the Sudder

Judges to inform the Sudder Dewanny Adawlut whenever they may be prevented holding a court as often as is herein required.

No act to be done but on court days and in open court.

Dewanny Adawlut under Section XXIII, Regulation VI. 1793. No rule, order, proceeding, or decree is to be made, but on court days and in open court.

Seals of the courts.

VI. The zillah and city courts are to use a circular seal, one inch and three-quarters in diameter. The seals of the zillah courts in the provinces of Bengal and Orissa, and the courts for the cities of Dacca and Moorshedabad, are to bear an inscription to the following effect, in the Persian and Bengal characters and languages; the seals of the zillah courts in Behar, and the court for the city of Patna, are to have a similar inscription in the Persian language and character, and the Hindostanee language and Nageree character: "The seal of the Dewanny Adawlut of the zillah (or city) of ………,………" The seal of each court is to remain in the custody of the Judge.

Seal to remain in the custody of the Judge.

Zillah and city courts to have jurisdiction over all persons not British subjects.

VII. All natives, and other persons not British subjects, are amenable to the jurisdiction of the zillah and city courts.

Of what suits the zillah and city courts are to have cognizance, when the defendant comes under any of the descriptions of persons mentioned in Section VII.

VIII. The zillah and city courts, respectively, are empowered to take cognizance of all suits and complaints respecting the succession or right to real or personal property, land-rents, revenues, debts, accounts, contracts, partnerships, marriage, caste, claims to damages for injuries, and generally, of all suits and complaints of a civil nature, in which the defendant may come within any of the descriptions of persons mentioned in Section VII, provided the landed or other real property to which the suit or complaint may relate shall be situated, or in all other cases the cause of action shall have arisen, or the defendant at the time when the suit may be commenced shall reside as a fixed inhabitant, within the limits of the zillah or city over which their jurisdiction may extend.

British subjects, with certain exceptions, not to be permitted to reside at a greater distance from Calcutta than ten miles, unless they execute the bond prescribed in Regulation XXVIII, 1793.

IX. The zillah and city courts are to have jurisdiction over all British subjects (excepting King's officers serving under the Presidency of Fort William, and the covenanted civil servants of the Company and their military officers), so far as not to allow them to reside or take up their abode within their respective zillahs or cities, at a greater distance from Calcutta than ten miles, unless they execute the bond prescribed in Regulation XXVIII. 1793, to render themselves amenable to the court in all suits of a civil nature that may be instituted against them by natives, or other persons described in Section VII, in which the amount claimed may not exceed five hundred sicca rupees.

Collectors of the Revenue and Customs, Commercial Residents, Salt Agents, Mint and Assay Masters and their respective officers, amenable to the courts for acts done in their official capacity.

X. Collectors of the Revenue and their Assistants and native officers, Commercial Residents and Agents and their Assistants and native officers employed in the provision of the investment, Salt Agents and their Assistants and native officers concerned in the manufacture of salt, the Collectors of the Customs and their Assistants and native officers employed in the collection of the *customs*, the Mint and Assay Masters and their Assistants and native officers, are declared amenable to the zillah or city court in the jurisdiction of which they may reside or carry on the public business committed to their charge, for any acts done in their official capacity, in opposition to any Regulation printed and published in the manner directed in Regulation XLI. 1793.

XI. If a native, or any other person not being a British subject, shall consider himself aggrieved under any Regulation printed and published in the manner directed in Regulation XLI. 1793, by an act done by any of the officers of Government described in Section X, pursuant to a special order originating with the Governor General in Council, or the Board of Revenue or of Trade, the officer by whom the act may be done is not to be liable to be sued for it. In such cases, Government is to be considered as the defendant; and the person deeming himself aggrieved is to present a petition to the Judge of the Dewanny Adawlut of the zillah or city to which the officer by whom the act complained of may have been done shall be amenable in his public capacity, stating wherein he considers himself injured under the Regulations, and praying that the Governor General in Council will order the court of Dewanny Adawlut in which the cause may be cognizable to try the points or matters contested agreeably to the Regulations. The Judge to whom the petition may be presented is to forward it immediately to the Governor General in Council, who, provided he shall not think it proper to afford the redress that may be solicited by the petitioner, and the courts of justice shall be competent to try the cause, will direct the court in which it may be cognizable to proceed to the trial of it. If the Governor General in Council shall order the cause to be tried, the court is immediately to send a written notification of the order to the complainant, and the cause is to be considered as filed in the court from the date of the notification. The court is then to proceed to try the suit, under the same rules and regulations as are prescribed for the trial of suits between individuals. The officer by whom the act complained against may have been done, is to carry on the suit under the directions of the Governor General in Council, or the Board of Revenue or of Trade, according to the immediate authority under which he may have acted, and is to issue the necessary instructions to the Vakeel of Government in the court in which the suit may be instituted, or subsequently carried in appeal. In the event of Government being cast in any of the courts, the officer entrusted with the management of the suit is to send a copy of the decree and proceedings of the court to the Governor General in Council, or to the Board of Revenue or of Trade, according to the immediate authority under which he may have acted, with a letter stating any objections that he may have to offer to the decision. The Boards above-mentioned are to submit all such decrees and proceedings to the Governor General in Council with their opinions respecting them. The Governor General in Council will order an appeal from the decisions that may be transmitted to him under this section to be preferred or not, as may appear to him advisable. The costs and damages that may be awarded against Government, in suits instituted under this section, are to be defrayed from the public treasury. All special rules respecting cases of the nature of those described in this section are to be duly attended to by the plaintiff, and the Boards and officers concerned in them.

Individuals how to proceed, who may consider themselves aggrieved under the Regulations by any special order of Government, or the Boards of Revenue or Trade.

Government to be considered as the defendant.

Complainant to present a petition to the Judge.

What the petition is to contain.

Judge to transmit the petition to the Governor General in Council.

How he is to proceed with the petition.

If he shall order the cause to be tried, the order to be notified to the party, and the cause to be considered as filed from the date of the notification.

Court how to try the cause.

Officer by whom the act may have been done, to carry on the suit on the part of Government.

Officer how to proceed in the event of Government being cast in any of the courts.

All special rules respecting cases of the nature of those described in this section, to be observed by the parties.

XII. If a suit shall have been instituted in the court of Dewanny Adawlut of any zillah or city in which it may have been cognizable, no other zillah or city court is to entertain a suit for the same cause of action; and on proof being made in the court in which the second suit may be commenced, that a prior

No court is to receive a suit previously instituted in another court in which it may be cognizable.

Court in which the second suit may be instituted, to dismiss it with costs to be paid by the party suing.

Further penalty for instituting such second suits, either whilst the first suit is depending, or after a decree is passed.

Penalty for the institution of frivolous, vexatious, or groundless suits.

prior suit for the same cause of action has been instituted in another zillah or city court competent to try it, the court in which the second suit may be brought is to dismiss it with costs, to be paid by the party so suing. And if any person shall have commenced a suit in the Dewanny Adawlut of any zillah or city, and whilst that suit is depending, or after a decree may be passed in it, shall commence another suit in any other zillah or city court of Dewanny Adawlut for the same cause; or if any person shall commence a suit in any zillah or city court of Dewanny Adawlut, which shall appear to the Judge to be frivolous, vexatious, or groundless, he is not only to dismiss the suit, with such costs as he may deem it equitable to award against the plaintiff, but is to fine him in such amount as he may think proper, upon a consideration of the nature of the case and the situation and circumstances in life of the offender, and commit him to close custody until he pays the fine.

Decrees for real property to specify the shares of all the claimants.

XIII. The zillah and city courts are not to pass a decree in any suit concerning the succession or right of inheritance to a zemindarry, talook, land, house, or other real property, to which there are more claimants than one, who by the Hindoo or Mahomedan law (respect being had to the religion of the claimants) would be entitled to a portion of the property; excepting the property be by the decree adjudged to all the claimants, in the proportions to which they may be respectively entitled.

Courts not to try the merits of any suit where the cause of action shall have arisen before the 12th August 1765.

Nor any suit where the cause of action shall have arisen twelve years before a suit shall have been commenced for it.

Exception to the rule.

XIV. The zillah and city courts are prohibited hearing, trying, or determining the merits of any suit whatever, against any person or persons, if the cause of action shall have arisen previous to the 12th of August 1765; or any suit whatever against any person or persons, if the cause of action shall have arisen twelve years before any suit shall have been commenced on account of it; unless the complainant can shew, by clear and positive proof, that he had demanded the money or matter in question, and that the defendant had admitted the truth of the demand, or promised to pay the money; or that he directly preferred his claim within that period for the matters in dispute, to a court of competent jurisdiction to try the demand, and shall assign satisfactory reasons to the court why he did not proceed in the suit; or shall prove that, either from minority or other good and sufficient cause, he had been precluded from obtaining redress.

Decrees not to be given for sums of money on bonds, which may not have been executed in the presence of two credible witnesses, unless the sum or a valuable consideration shall be proved to have been given.

Cases to which this restriction is not to extend.

XV. The zillah and city courts are prohibited decreeing the payment or satisfaction of any sum due on a tamassook or bond, which may have been entered into after the 28th March 1780, unless the bond shall be proved to have been executed in the presence of two credible witnesses, or the payment of the sum demanded on the bond, or some other valuable consideration for it having been received, shall be proved to the satisfaction of the court. But the restriction contained in this section is not to extend to any bills of exchange, receipts, or notes of hand, in the determination on which the custom of the country is to be abided by.

Judges not to entertain causes which may have been decided by any former Judge or superintendent having competent jurisdiction.

XVI. The zillah and city courts are prohibited entertaining any cause which, from the production of a former decree or the records of the court, shall appear to have been heard and determined by any former Judge, or any superintendent of a court having competent jurisdiction. If any doubt should arise

respecting

Doubts respecting the competency of the former jurisdiction to be submitted to the Sudder Dewanny Adawlut.

respecting the competency of the former jurisdiction, the Judges are to report the circumstances to the Sudder Dewanny Adawlut, and wait the instructions of that court.

Of what suits the zillah court of the Twenty-four Purgunnahs is prohibited taking cognizance, as coming within the jurisdiction of the Supreme Court of Judicature.

XVII. The Dewanny Adawlut of the zillah of the Twenty-four Purgunnahs is not to receive or entertain any suit, under any pretence whatever, relating to any land, house, tenement, or hereditament, nor any dispute regarding the boundaries of lands, houses, tenements, or hereditaments, situated within the town of Calcutta (which, for the purpose of this rule, is declared to be bounded by a line drawn by the bridge and nullah of the Baug-bazar, or Cow-cross, the Mahratta entrenchment, and the road adjoining to it continued to the westward of the Colligaut road, the Govindpore nullah, and the river), nor any suit whatever against a person who may be an inhabitant of Calcutta at the time the suit may be instituted, or may become a resident within the limits of the town after the suit may be commenced. The court is commanded not to intermeddle with, or take cognizance of the suits above-mentioned, which are to be considered entirely exempt from its jurisdiction. But the prohibitions contained in this section are not to be construed to extend to preclude the court of Dewanny Adawlut of the zillah of the Twenty-four purgunnahs entertaining any suit concerning marriage or caste, in which no money or other valuable thing may be demanded or decreed, although the cause of action shall have arisen, or the defendant may reside, or shall have resided at the time the suit commenced, within the limits of the town of Calcutta.

Exception to the rule.

Courts prohibited taking cognizance of any matters of a criminal nature.

XVIII. The zillah and city courts are prohibited interfering, in any respect, in any cause or matter of a criminal nature, declared cognizable by the magistrates of the several zillahs and cities, the courts of circuit, or the Nizamut Adawlut, or any other courts for the trial of cases of a criminal nature, that now exist or which may be hereafter established; excepting for contempt and perjuries committed in open court, as prescribed in Sections XIV. and XXI., Regulation IV. 1793.

Exceptions to the rule.

Zillah and city courts prohibited corresponding with parties in suits, or any person, respecting matters cognizable in the courts.

XIX. The Judges of the zillah and city courts are prohibited corresponding by letter with parties in suits, process, or matters depending before them, or coming within their cognizance. If a party in a suit, or a person amenable to the jurisdiction of the court, shall have any matter to represent to the court, he is either to appear in the court in person and represent the matter in writing, or make the representation in writing through an authorized Vakeel. The court is to pass whatever order upon the representation may appear to it proper, consistently with the Regulations, and to direct a copy of the order to be delivered to the person making the representation, or to his Vakeel, under the seal of the court and attested by the Register. The Judges of the zillah and city courts are also prohibited corresponding by letter with the provincial courts of appeal, respecting any cause or matter before those courts, or upon any matters whatever on which they may not be specially empowered so to correspond. When a Judge shall have occasion to communicate to the provincial court any information that may be required from him by the court, or which he may deem it necessary to submit to the court, respecting any matter or cause that may be before it, he is to certify it to the court by a writing under his official seal and signature.

Judges of the zillah and city courts prohibited corresponding with the provincial courts.

XX. An

An appeal to lie to the provincial courts of appeal from the decisions of the zillah and city courts, in all cases whatsoever.

XX. An appeal is to lie to the provincial courts of appeal, under Regulation V. 1793, from the decisions of the courts of Dewanny Adawlut of the several zillahs, and the cities of Patna, Dacca, and Moorshedabad, in all suits or matters whatsoever; and the Judges of the zillah and city courts are invariably to state in every decree the grounds on which they may pass it.

Judges to act according to justice, equity and good conscience, in cases for which no specific rules exist.

XXI. In cases coming within the jurisdiction of the zillah and city courts for which no specific rule may exist, the Judges are to act according to justice, equity, and good conscience.

A.D. 1793. REGULATION IV.

A REGULATION *for receiving, trying, and deciding Suits or Complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zillahs, and in the cities of Patna, Dacca, and Moorshedabad:* PASSED *by the Governor General in Council on the 1st May* 1793 *(corresponding with the 21st Bysaak,* 1200 *Bengal era; the 6th Bysaak,* 1200 *Fussily; the 21st Bysaak,* 1200 *Willaity; the 6th Bysaak,* 1850 *Sumbut; and the 19th Ramzaan,* 1207 *Higeree).*

I. THE following rules are enacted for receiving, trying, and deciding suits or complaints declared cognizable in the courts of Dewanny Adawlut established in the several zillahs, and in the cities of Patna, Dacca, and Moorshedabad.

Only plaintiffs or defendants, or their Vakeels duly empowered, to be allowed to plead or defend a suit. No other persons, excepting the witnesses of the parties, to be heard viva voce in a cause.

II. No complaint is to be received but from the plaintiff, nor any answer to a complaint but from the defendant, or their respective Vakeels duly empowered. Nor is any person to be permitted to do any act, or to be heard vivâ voce in any stage of a cause, excepting the plaintiff or defendant, or their Vakeels or witnesses.

What a complaint preferred to a zillah or city court is to contain.

If it be for malguzarry or lakheraje land, the annual produce is to be specified.

What is meant by the annual produce.

If for any other property or money, or damages, the amount of money, or the sum in which the party may be endamaged, is to be specified.

III. Every complaint that may be presented to the court of Dewanny Adawlut of any zillah, or of either of the cities of Patna, Dacca, or Moorshedabad, is to state precisely the matter of complaint. If it be concerning a zemindarry, or an independent or a dependent talook, or any landed property being lakheraje (exempt from the payment of revenue to Government), or malguzarry (subject to the payment of revenue to Government), it is to state the amount of the annual produce of the land according to the most accurate estimate which the claimant may be able to procure. To obviate all doubt respecting what is meant by the annual produce of lakheraje and malguzarry lands, it is declared to be the aggregate of the sums that may have been paid under the Regulations by the dependent Talookdars, under-farmers, and Ryots, on account of the year in which the claim may be preferred, and that would be payable by them were the claimant to be put into possession of the lands during that year. If the complaint is for a house, garden, tank, or any real property not being malguzarry or lakheraje land, or any valuable thing, or relating to marriage or caste, or for damages for any injury, it is to state, according to the nearest estimate, the exact sum of money, or the amount in which the plaintiff may be endamaged. The complaint is also to specify the name of the person complained against, the time when the cause of action arose, and is to be signed by the complainant, or his Vakeel duly authorized. The complaint is to be signed and numbered, and dated in the order in which it may be received, by the Judge of the court, and is to be registered in a book by a native officer of the court, whose particular duty it is to be made to copy and register complaints. Every complaint, answer, reply, and rejoinder, is to be written in the Persian or the Bengal language and character, or in the Hindostanee language and Nageree character, and no other, and the parties are to be permitted to deliver their pleadings in whichever of those languages and characters they may think proper.

Complaint to specify the name of the defendant and when it arose, and to be signed by the party or his Vakeel, Judge to sign, number, and date the complaint.

Complaint to be entered in a book by a native officer.

In what language the complaint, answer, reply, and rejoinder are to be written.

Defendant to insert in his answer his objections to the plaintiff's statement of the cause of action, otherwise the statement is to be held correct, so far as to determine whether the cause is or is not appealable to the Sudder Dewanny Adawlut.

IV. That no doubt may be entertained respecting what suits decided in the provincial courts of appeal are appealable to the Sudder Dewanny Adawlut, it is directed that if a suit shall be instituted in any zillah or city court, and the cause of action shall be stated by the plaintiff to be such as would make it appealable to the Sudder Dewanny Adawlut, or such as would not entitle either party to an appeal to that court, in the event of the suit being appealed to the provincial court of appeal, and either party being dissatisfied with the decision of that court, the defendant, in the first case, if he shall be of opinion that the cause is not appealable, and in the second, if he shall think it appealable, is to insert his objections to the plaintiff's statement in his answer, and the Judge is to make such inquiries as he may deem necessary, to ascertain whether the cause of action is such as would or would not render it appealable to the Sudder Dewanny Adawlut, and to insert his decision on the objections of the defendant in the record of the trial, which the court of appeal, in the event of the cause being brought before them, are to confirm or set aside, as may appear to them proper. If the defendant shall not offer any objections, in either of the cases above-mentioned, to the plaintiff's statement of the cause of action, it is to be held correct, so far as to determine eventually whether it is or is not appealable to the Sudder Dewanny Adawlut, and any objections which either party may afterwards offer to the statement are not to be attended to; but if, agreeably to the statement, the cause of action shall be appealable, an appeal is to be allowed (all rules regarding appeals being duly observed), and if it be not appealable, an appeal is not to be admitted.

Court how to proceed upon a complaint cognizable by it being preferred to it.

To issue a summons.

Contents of the summons.

V. Upon any person, either by himself or his Vakeel duly appointed, preferring a written complaint on account of any matter declared cognizable by the zillah or city courts of Dewanny Adawlut, to the proper zillah or city court, the court is to issue a summons to the defendant, which is to contain a short account of the nature of the demand, and to require the defendant either to accompany the officer who may be deputed to serve the summons, to appear in person before the court, or to deliver to him good and sufficient security to appear and answer to the complaint on the day appointed, either in person or by Vakeel. The person who may become security for the appearance of the defendant, is further to bind himself to be responsible for the personal attendance of the defendant whenever it may be required by the court; and in the event of his not being able to produce him, either whilst the suit is depending, or at any time before the final decree in the cause is executed, to be answerable for such sum as may be adjudged against the defendant. The summons is to be served on the defendant by the Nazir or his

Nazir to return the summons on the fixed day, with an endorsement how it has been executed.

Upon the defendant appearing, court to fix a day for his answering,

and to take security for his attendance.

Defendant to be committed to custody in the event of his not giving the required security.

Plaintiff to reply to the defendant's answer.

What the reply is, and what it is not to contain.

Defendant to rejoin to the plaintiff's reply.

What the rejoinder is, and what it is not to contain.

Cases in which the plaintiff is to be permitted to prefer a supplemental complaint.

Defendant to be allowed to deliver an answer to the supplemental complaint.

Plaintiff and defendant to be permitted to reply and rejoin.

Cases in which the defendant is to be allowed to deliver a supplemental answer.

Plaintiff and defendant to reply and rejoin.

Only one supplemental complaint or answer to be admitted.

Register to rejoin, if the defendant does not rejoin by the appointed day.

inferior officer if he can be found, and in the event of his not giving the required security, the Nazir or officer is to take his person into custody, and bring him before the court. The Nazir is to return the summons on the day appointed, with an endorsement specifying in what manner he has executed it. If the defendant shall appear, either in person or by Vakeel, the court is to fix a day, according to its discretion, for him to answer to the complaint, and if it shall deem it reasonable so to do, may at any time allow the defendant a further period for delivering his answer: and if the defendant shall appear in person, and shall not have given the security above-mentioned for his appearance and attendance, the court is to require him to give it, and in the event of his refusing or omitting to comply with the requisition, he is to be committed to close custody, until he shall have given the security or performed the decree of the court. When the defendant has delivered in his answer to the complaint, the plaintiff is to reply to it on the next court day; but he is not to be permitted to introduce in his reply any matter whatever which may not be contained in his complaint, but is either to acknowledge the answer of the defendant to be true, or simply and shortly deny the truth of such of the facts in the answer as he intends to dispute, or simply deny the truth of all the facts contained in it, or the competency of the answer. The defendant is to rejoin to the reply on the same day; but is not to be permitted to introduce in his rejoinder any matter not contained in his answer, but is simply to deny the truth of the reply of the plaintiff, or the parts of it which he means to dispute, and aver the truth or competency of his own answer; and no further pleadings whatever are to be admitted in the cause. But if, from mistake, inadvertence, or other cause, the plaintiff shall have omitted to insert in his complaint any thing material to the suit, the court, on the omission being represented either by the plaintiff or his Vakeel, is to allow the plaintiff to prefer a supplemental complaint, in which he is to state the matter omitted. The defendant is to be allowed to deliver an answer to the supplemental complaint on a day to be fixed for that purpose; and the plaintiff and defendant are to reply and rejoin in the same manner as on the original complaint, but no other. In like manner, if the defendant, from mistake, inadvertence, or other cause, shall have omitted to insert in his answer any thing material to his defence, the court, upon his representing the omission either in person or by his Vakeel, is to permit the defendant to deliver in a supplemental answer. The plaintiff and defendant are to reply and rejoin in the same manner as on the original answer: but no more than one supplemental complaint, or one supplemental answer, is to be received by the court. Whenever a defendant shall refuse or neglect to rejoin at the time appointed for that purpose, the Register is to enter a rejoinder for him, and the court is to proceed in the trial in the same manner as if the defendant himself had rejoined.

When the courts are to proceed to the examination of the merits of the suit.

VI. When the rejoinder has been filed, the court, either immediately, or on a fixed day (eight days' notice of which is to be given to the parties) as soon after the pleadings are closed as the business of the court will permit, is to examine the truth of the complaint or claim by the oaths of the parties, if they mutually consent to that mode of examination, and of the witnesses who may be produced by them, if they have any witnesses to produce. To procure the attendance of witnesses, the zillah and city courts, on the requisition of the plaintiff or defendant, or their respective Vakeels, are to issue a summons to the witnesses whom the parties may name (provided they be not Hindoo or Mahomedan women of a rank or quality which, according to the manners and customs of the country, would render it improper to compel them to appear in a court of justice), specifying at whose request the summons may have been issued, and requiring them to appear in the court on a day to be named in the summons, and there to depose concerning the matter in dispute between the parties. If a witness so summoned shall not attend on the day appointed, or attending, shall refuse to give evidence or to subscribe his deposition as hereafter required, the Judge, in the first case, if it shall be proved to his satisfaction, on oath, that the witness was material to the cause, is to issue an order to the Nazir to seize and bring the witness before the court, and is to impose on such witness not having attended, or refusing to give evidence, a fine not exceeding five hundred rupees, and to commit him to close custody until he shall consent to give his evidence and sign his deposition. If a witness who may attend pursuant to a summons shall have incurred any expense in consequence of his being required to appear, the court is to award to him such sum for his charges as may appear to it reasonable, whether he be examined or not. If the sum so awarded shall not be paid immediately, or secured to the witness to the satisfaction of the court, the party at whose requisition the witness may be summoned is not only to lose the benefit of his testimony, but the court, after the decree in the cause shall be passed, is to confine such party until he shall discharge the sum awarded to the witness. The zillah and city courts are to administer to parties consenting to be examined on oath, and to witnesses, such oaths as may be considered most binding on their consciences, according to their respective religious persuasions. But if a witness shall be of rank or caste which, according to the prejudices of the country, would render it improper to compel him to take an oath, the Judge of the court may dispense with his being sworn, provided he shall subscribe one of the under-mentioned declarations, according as he may be of the Mahomedan or Hindoo persuasion.

How the attendance of the witnesses of the parties is to be procured, provided they be not women of the rank or caste hereinmentioned.

What the summons is to contain.

How witnesses so summoned are to be dealt with if they shall not appear, or if they shall appear and refuse to give evidence or subscribe their depositions.

Court empowered to award to witnesses appearing pursuant to the summons such sum for their expenses as may appear to it reasonable.

Expense to be paid by the party summoning the witness.

Consequences attending his not paying such expense as required, and the court how to enforce the payment.

What oaths are to be administered to parties or witnesses.

Cases in which the courts may dispense with the oaths of witnesses.

Declaration to be subscribed by a Hindoo Witness exempted from taking an Oath.

" I will faithfully answer according to the truth, such questions as may be
" put to me by the court in the cause now before the court; I will not declare
" any thing not warranted by the truth. If I declare any thing not war-
" ranted by the truth, I shall be deserving of punishment from Ishwur."

Declaration to be signed by a Hindoo witness exempted from taking an oath.

Declaration to be signed by a Mahomedan Witness exempted from taking an Oath.

" I sincerely promise and swear, in the presence of Almighty God, that I
" will, faithfully and without partiality, answer according to the truth, any
" questions that may be put to me by the court respecting the cause now
" before the court". After the witness has given his deposition, he is to subscribe the following declaration. " I swear, in the presence of Almighty
" God, that I have faithfully and without partiality answered according to
" the truth the questions put to me by the court respecting the cause now
" before the court."

Declaration to be signed by a Mahomedan witness exempted from taking an oath.

The depositions of the witnesses who may subscribe the above declarations are

Depositions of witnesses subscribing the [illegible] declarations to be received equal with oaths.

Depositions of witnesses to be reduced into writing in the language and character which they may desire.

Exhibits and written evidence to be produced in open court at the trial.

Such exhibits and evidence, if disputed, to be duly proved by witnesses, whose depositions are to be reduced to writing.

Exhibits how to be marked, and referred to in the depositions proving them.

Exhibits proved by witnesses not present in court, to be marked and referred to in the same manner, and the date on which they may be read in court is to be endorsed upon them.

Court may dispense with the personal appearance of Hindoo or Mahomedan women of a certain rank.

How the evidence of such women is to be obtained.

Manner in which the Judge is empowered to obtain the evidence of witnesses residing out of the jurisdiction of the court, and at a greater distance from it than fifty coss.

Personal attendance of parties or witnesses residing out of the jurisdiction of the court, and at a greater distance than fifty coss, how to be procured if necessary.

are to be received as good evidence in the cause, in the same manner as if they had been sworn. The deposition of every witness who may appear in court is to be taken *vivâ voce* in open court, and (if he be a native) in the Persian, Bengal, or Hindostanee language, and is to be reduced into writing in the Bengal, Persian, or Nageree character, according as the witness may desire. The deposition is to be subscribed by the witness with his name or mark. Every exhibit or written evidence (excepting exhibits that may be proved by such absent witnesses as are hereafter-mentioned), is to be produced in open court at the trial, and if disputed, is to be duly proved by the examination of witnesses sworn as above directed, whose depositions are, in the same manner, to be reduced into writing and signed. Every exhibit is to be marked with some letter or number to identify it, and the letter or number is to be referred to in the deposition proving it. All exhibits proved by witnesses not present in court are, in the same manner, to be marked and referred to in the depositions proving them, and are to be endorsed and minuted as having been read at the time they may have been read in the court. In the event of any witness being a Hindoo or a Mahomedan woman of a rank or quality which, according to the customs and manners of the country, would render it improper to compel her to appear in a court of justice, the zillah and city courts of Dewanny Adawlut are authorized to commission three creditable women, who are to be sworn to execute the commission truly and faithfully, to administer either an oath, or the prescribed declaration, to persons of the rank, caste, or quality before-mentioned (according to the discretion of the Judge and the religion of the witnesses), and to examine them on written interrogatories to be delivered to them by both parties or their Vakeels, if both parties shall desire to examine the witnesses. In like manner, if any witness whose deposition may be necessary to the determination of a cause shall reside out of the jurisdiction of the zillah or city court in which the suit may be instituted, and at a greater distance from the court than fifty coss, the Judge of the zillah or city court is authorized by a letter signed by himself, and sealed with the seal of the court, to request the Judge of the zillah or city court in whose jurisdiction the witness may reside, either to administer to him an oath, or cause him to sign the above-mentioned declaration, should he be of the description of persons whom the courts are empowered to exempt from taking an oath (according to the discretion of the Judge who shall grant the commission, and the religion of the witness), and to examine such witness on written interrogatories to be transmitted to the Judge by both parties or their Vakeels, if both parties shall desire to examine the witness. The Judge to whom the letter may be directed is to examine the witness or witnesses named in the letter according to the requisition of it, and to return the deposition of each witness duly subscribed by him, to the Judge of the court in which the cause may be depending by the time required in the commission; and every deposition so taken is to be read as good evidence in the cause. But if the personal attendance of a party in a suit, or a witness (provided the party or witness be not a woman of a rank or quality which, according to the customs and manners of the country, would render it improper to compel her to appear before a court of justice), who may be resident at any distance whatever beyond the limits of the jurisdiction of the court, shall be deemed by the Judge trying the cause to be indispensably necessary, he is to address the Judge of the court in the jurisdiction of which the person whose attendance is required may reside, requesting him to order him to attend; and the Judge so addressed is directed to comply with the requisition, without further delay than may be necessary in the event of the attendance of such person before the court of the Judge to whom the application may be made being indispensable, in consequence of his being either a party or a witness in a suit depending before the court. If any exhibit or written evidence is offered to a zillah or city court in a cause depending before it, and the Judge of the court shall think it just and proper to reject it, he is to endorse upon it the word "rejected," together with the names of the parties in the cause, and the name of the party who produced the document, the date on which it may be rejected, and his reasons for not admitting it (which may be written either upon the document rejected or on a paper to be annexed to it), and to subscribe his name to the endorsement, and return the document, with his reasons so written, to the person who produced it.

Judge how to proceed in the event of his rejecting exhibits or written evidence that may be offered.

VII. When the parties have been heard, and the witnesses on both sides examined, and the exhibits received and considered, the Judge is to give judgment according to justice and right, and is to order costs to be paid to the party in whose favour the decree may be made. The court is then to cause the decree to be executed, if it be for a zemindarry, independent or dependent talook, or other estate or real property, by causing possession of the property to be delivered to the person to whom it may be decreed; if it be for personal property or a sum of money, by causing the specific thing to be delivered, or the value of it, or the sum of money decreed, to be levied by public sale by auction of a sufficient portion, or, if requisite for the satisfaction of the decree, the whole of the lands, houses, and all other effects, either real or personal, belonging to the party against whom the judgment may have been given, or by the attachment of his person, or where it may be necessary, both by the sale of his property and effects, and the attachment of his person.

When the court is to give judgment.

Decree of the court how to be executed.

VIII. If the defendant in a suit in a zillah or city court shall be committed to close custody at the instance of the plaintiff, either whilst the suit is depending or after the decree shall have been passed, the Judge, at the time of the commitment of the defendant, is to make an order on the plaintiff for the payment of whatever monthly allowance he may think reasonable for the subsistence of the defendant, upon a consideration of his rank and situation in life and the circumstances of the plaintiff. The allowance is not to exceed four annas, nor to be less than one anna per day; and is to be made payable to the Nazir, who is to give monthly receipts for it to the plaintiff, dated on the day on which the money may be paid. The first payment is to be made immediately upon the confinement of the defendant, and every subsequent payment at the expiration of the next and following months, calculating from the day on which the defendant may be confined. If the plaintiff shall neglect or refuse to pay the prescribed allowance for the space of one month after any payment may become due, the Nazir is to report the omission or refusal in writing, under his signature, to the Judge. Upon receipt of the report, the Judge is to cause it to be notified to the plaintiff, by a

Monthly allowance to be paid to defendants confined at the instance of plaintiffs.

To whom and when the allowance is to be payable.

Nazir to report to the Judge, in the event of the plaintiff omitting or refusing to pay the allowance for one month.

Judge how to proceed upon such report.

writing (in the Persian and Bengal languages, if the court be situated in Bengal or Orissa, or in the Persian language, and the Hindostanee language and the Nageree character, if it be in Behar) to be fixed up in some conspicuous place in the court-room, that if he shall not, within one month after the date of the notice, pay the sums in arrear, together with the allowance for one month in advance, the court will release the defendant. If the plaintiff shall not make the payments required by the notice, the court is accordingly to discharge the defendant from custody. Plaintiffs are not to be required to pay any allowance to defendants who may be committed to custody for disobedience to an order of the court.

Plaintiffs not to pay any allowance to defendants confined for disobedience to the orders of the court.

Zillah and city courts to transmit to the Board of Revenue and the Collector of the zillah, a copy of every decree regarding zemindarry land which they may pass, and of every such decree that may be transmitted to them by the provincial court of appeal or the Sudder Dewanny Adawlut, to be enforced, together with an abstract of the decree.

IX. That the quinquennial register of landed property paying revenue to Government, directed to be prepared by Regulation XLVIII. 1793, may be kept complete, the zillah and city courts are strictly enjoined to transmit to the Collector of the zillah and the Board of Revenue a copy of every decree that they may pass, or which may be sent to them to be enforced by the provincial courts of appeal or the Sudder Dewanny Adawlut, regarding any zemindarry, independent talook, or other land, paying revenue immediately to Government, or in anywise concerning the possession of such land. The Judge is to transmit the copy of the decree within ten days after he may pass or receive it. The decree is to be attested with the signature of the Judge and the seal of the court, and is to be accompanied with a short abstract of it, specifying the date of the decree, the names of the purgunnah or purgunnahs, the talook or talooks, the turf or turfs, the village or villages, or the portions of each, which may be decreed, the name or names of the person or persons last in possession, the person or persons to whom the lands may be decreed, and if the land be decreed to two or more persons, the shares awarded to each person.

What the abstract is to contain.

Suits of plaintiffs who neglect to proceed in them for six weeks to be dismissed, unless they can shew good cause for not having proceeded.

X. If a plaintiff shall at any time neglect to proceed in his suit for six weeks, the suit is to be dismissed, unless he can shew good and sufficient cause to the court for not having proceeded in it; and the court is to award to the defendant the whole or such part of the costs as he may have incurred in the suit, according as it may deem equitable. The Judge is to record upon the proceedings his reasons at large for dismissing the suit of a plaintiff, or allowing him to prosecute it, after he shall have neglected to proceed in it for six weeks.

Judge to record upon the proceedings his reasons for the exercise of the power vested in him by this section.

Court how to proceed, in case a defendant cannot be found, or absconds, or acts so that the process of the court cannot be served upon him.

XI. If a defendant against whom a summons may issue shall abscond, or is not after diligent search to be found, or shall shut himself up in his own or in any house or building, or retire to any place so that the process cannot be served upon him, and the Nazir shall return that on such account he has not been able to serve or execute the process, the Judge is to cause a writing (in the Persian and Bengal languages, if it be in Bengal or Orissa, or in the Persian language, and the Hindostanee language and Nageree character, if it be in Behar), to be stuck up in some conspicuous part of the room in which the court may be held. The writing is to contain a copy of the summons, and a notice, that if the party shall not appear on a day to be fixed (which shall not be less than fifteen days from the time that the summons may be fixed up), the court will proceed without further notice to try and determine the

What the writing to be fixed up is to contain.

the cause without the appearance or answer of the defendant. The court is likewise to order a copy of the summons and notice to be fixed up with all practicable dispatch on the outer door of the house in which the defendant may have usually dwelt, or in some conspicuous place in the village, or other place, in which he may have generally resided. The Nazir is to return the order, with an endorsement stating at what times and places the summons and notice may have been fixed up. The return of the Nazir is to be filed in court, and to form a part of the record of the trial. If the defendant shall not appear at the time limited in the notice, or if a defendant who may have been served with a summons shall not appear, or having appeared, shall refuse to give answer, or make other default, or shall admit the truth of the plaintiff's bill of complaint, the court, on examining the allegations of the plaintiff only, and the depositions of his witnesses, is to decree and give judgment, in the same manner as if the defendant had appeared, answered, and entered into proof.

Nazir to return how he has executed the process.

Nazir's return to be filed.

Cases in which the court is to give judgment on the allegations and evidence of the plaintiff only.

XII. If a defendant, for whose appearance security may have been taken, shall not appear, or having appeared, shall refuse to give answer, the plaintiff is permitted to institute a suit against the sureties on their engagement, and is to be entitled to recover from them whatever he may prove to be due to him from the defendant, or he may proceed against the defendant, in the same manner as defendants are directed to be proceeded against who have been served with a summons, and have not appeared, or have refused to give answer.

Sureties for defendants not appearing, or refusing to give answer, liable to be prosecuted as principals.

Option given to the plaintiff to prosecute the surety, or to proceed against the defendant as herein directed.

XIII. Every process, rule, order, or decree, of the zillah and city courts (with the exception contained in this section) is to be immediately served or executed, without application to any person or the interference of any individual whomsoever, according to the requisition of it, within the limits of the special jurisdiction of each court. But in every case in which the defendant shall be a Hindoo or Mahomedan woman, of a rank or quality which, according to the customs and usages of the country, would render it improper to compel her to appear in an open court of justice, the Judges of the zillah and city courts are not to issue any compulsory process against her, to compel her to appear and make answer, but are to issue a summons requiring her to appear in person or by Vakeel, at a certain time to be named in the summons, in the zillah or city court, and answer to the complaint, and abide by the orders which the court may think proper to pass in the cause. The summons is to be directed to the Nazir of the court, and is to contain a short account of the nature of the demand or complaint, with a notice, that if the defendant shall not appear, as required by the summons at the time specified in it, or having so appeared, shall not answer to the complaint at the time which may be fixed by the court, or make any other default, the court will proceed to try and determine the cause in the same manner as if the defendant had appeared, answered, and done what she is authorized or required to do in defence of the suit. The summons is further to command the Nazir to deliver a copy of it to the Dewan, or some principal servant of the defendant. The Nazir is not to have recourse to compulsion to enforce the summons, but is to serve it in the manner herein-directed and no other. The Nazir is to return the summons on the day appointed for the appearance of

Process of the courts to be served according to the requisition of it, without application to any person, or the interference of any individual.

Exception to the rule made in favour of defendants who may be women of the description herein specified.

How such women are to be summoned when defendants.

Summons to be directed to the Nazir. What it is to contain.

The Nazir to serve the summons in the manner herein-mentioned, and no other.

Nazir to return how he has served the summons.

of the defendant, with an endorsement specifying in what manner he has executed it; and if he has not executed it, the reason why it has not been executed.

[illegible]

If the defendant should appear in person or by Vakeel, the court is to fix a certain day, according to its discretion, for her to answer to the complaint, and to appoint a day for the parties to deliver in their pleadings, and the court is to try and determine the cause, in the same manner as suits instituted against persons not being women of the above-mentioned description.

[illegible]

Upon the summons being issued, if the Dewan or other principal servant of the defendant shall abscond, or otherwise act so that the summons cannot be served upon him, or shall not, after diligent search and inquiry, be found, the Judge, upon the return of the summons and proof being made before him on oath of the fact, is to proceed against the defendant, in the same manner as he is directed to proceed against a defendant who, after diligent search, cannot be found, or shall have absconded, or otherwise acted so that he could not be served with a summons. If a female defendant on whom no summons can be served, after the prescribed notice has been issued, shall not appear as required, or appearing shall neglect or refuse to answer, or make other default, or admit the truth of the complaint, the court, on examining the allegations of the plaintiff only, and receiving the depositions of his witnesses, are to decree and give judgment, in the same manner as if the defendant had appeared, answered, and entered into proof.

[illegible]

XIV. If a witness, or any person, shall be guilty of wilful and corrupt perjury in any cause or matter depending in court, the Judge is immediately to commit the offender to close custody, to take his trial before the court of circuit of the division in which the offence may be committed.

[illegible]

XV. In suits regarding succession, inheritance, marriage, and caste, and all religious usages and institutions, the Mahomedan laws with respect to Mahomedans, and the Hindoo laws with regard to Hindoos, are to be considered as the general rules by which the Judges are to form their decisions. In the respective cases, the Mahomedan and Hindoo law officers of the court are to attend to expound the law.

[illegible]

XVI. The Judges of the zillah and city courts are strictly enjoined not to order or allow of a report of any matters of facts relating to any cause depending before them, with a view to the passing a decree, to be made to them by any officer of the court, or any other person; excepting in cases in which special authority for that purpose may be given to the courts by any Regulation.

[illegible]

This rule, however, is not to be construed to prevent a Judge referring any question arising on the Mahomedan or Hindoo law to the Cauzy or Pundit of the court, respect being had to the law in which each is conversant. When a reference of this nature is deemed necessary, a statement of the facts on which the question of law may arise is to be made out in writing, and signed by the Judge of the court, and delivered to the Cauzy or Pundit for his opinion upon it.

[illegible]

A blank is to be left for the answer of the law officer on the same paper on which the question is stated, or on a paper firmly annexed to it. The answer is to be attested with the signature of the law officer, and the dates on which the questions may be stated to him, and the answer may be given, are to be specified.

XII. In cases of disputed property regarding lands, houses, or their limits or boundaries, in which the court may deem a local investigation proper, the court is to appoint an Aumeen, who is to be sworn to make a true and faithful report to the court of the several matters which he may be directed to investigate, and not to take or receive, directly or indirectly, from either party, any gratuity, reward, or consideration, besides the sum which may be allowed to him by the court. The Aumeen is to be ordered to make his report in writing, subscribed with his name, and to deliver it into court on a certain day, which is to be specified in his commission. The report is to be received by the court as evidence in the cause, with regard to the matters which the Aumeen may be commissioned to investigate, and no other. The court may order such sum to be paid to the Aumeen as may be thought reasonable for his trouble, and the amount is to be added to the costs, and paid by the person against whom the decree may be passed. But the court is to be careful that expenses are not unnecessarily incurred by the Aumeen by delay or other means.

Court may depute an Aumeen, where local investigations may be necessary, in disputes regarding real property.

To what points the Aumeen is to be sworn.

Report to be made by the Aumeen, duly attested by him, on a certain day.

Court to order such sum to be paid to the Aumeen as it may judge adequate to his trouble.

By whom the sum awarded is to be paid.

Precaution to be observed by the courts in awarding such sums.

XVIII. The plaintiff is to pay the charges of summoning the defendant and his own witnesses, and of all process attended with expense which may be issued in his behalf previous to the decision of the suit.

Plaintiff to pay, in the first instance, the expense of all process that may be issued in his behalf, previous to the decision of the suit.

XIX. The Judges of the zillah and city courts are to order the causes depending in their respective courts to be brought on for trial according to the order in which they may be filed; except in cases in which it may be otherwise directed by any Regulation, or in which the Judge may think it proper for special reasons, which he is to state at large upon the record of the trial, to bring on the cause before its turn. The Register is to enter in a book the causes for the trial of which a day may be appointed by the Judge, and on the day fixed call on the causes for trial, in the order in which they may have been entered. A paper containing a list of the causes, and the day appointed for the trial of them, is to be fixed up in some conspicuous part of the court-room seven days previous to the day of trial.

Suits to be brought on for trial in the order in which they may be filed.

Exception to the rule.

A paper specifying the causes for the trial of which a day has been fixed, is to be stuck up in some conspicuous part of the court-room seven days previous to the trial.

XX. All orders and process of the court which may be directed to be served or executed on any person, are to be written or printed in the Persian and Bengal languages, in Bengal and Orissa, and in the Persian language, and the Hindostanee language and Nageree character, in Behar, and are to be sealed with the seal of the court and signed by the Judge. When a summons, or any process, is issued against a defendant, or a witness in a cause, or any other person who may not reside or be present at the place at which the court may sit, and for the serving or executing of which a Peon or Peons may be necessary, each Peon is to be paid by the party in whose behalf the summons or process may issue, four annas per day for his subsistence; excepting in districts where custom may have fixed the subsistence money of Peons at a lower rate, in which case the lower rate, and no more, is to be paid. The name of each Peon deputed to serve the process, the amount of his subsistence money, and the number of days for which he is to receive it, is to be endorsed on the writing. No greater number of Peons than two are to be deputed to serve or execute any process of the courts, and one Peon only is to be sent, excepting in cases in which the Judges may think two Peons necessary.

In what language and character the process of the court is to be written.

Summonses and process to be served and executed by Peons.

Daily allowance to be paid to the Peons.

the event of an appeal from the decree of the provincial court being presented to the Sudder Dewanny Adawlut, and the admission or rejection of the appeal depending upon the produce of the lands for the year before-mentioned exceeding or falling short of one thousand sicca rupees, the court of Sudder Dewanny Adawlut is to order the provincial court to obtain the necessary information regarding the produce, and after receiving their report, admit or reject the appeal according as they may deem equitable. It shall be at the option of the Governor General in Council, within four weeks after the receipt of a decree adjudging the estate of any person forfeited under this section, either to order it to be executed, or to commute the forfeiture for such fine as, upon a consideration of the situation and circumstances in life of the offender, he may think adequate to the offence for which the decree may be passed. In the event of the Governor General in Council commuting the forfeiture for a fine, the court which shall have transmitted the decree and proceedings to him, upon receiving notice of the fine that he may impose, is to levy the amount of it by the same process as is prescribed for enforcing decrees of the court. But if the Governor General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed or commute the forfeiture for a fine, the decree is to stand good against the offender. In such case, or in the event of the Governor General in Council ordering the decree to be executed, the court is to issue a precept, under the seal of the court and the signature of the Register, requiring the Collector of the Revenue of the zillah to depute an Aumeen with a proper establishment of officers (whose allowances are to be specified in the precept) to sequester the lands and collect the rents and revenues. If the lands of the offender shall be deemed by the court too inconsiderable to admit of their being charged with the expense of an Aumeen, they are to direct a precept to be issued to the Collector of the zillah to order the nearest Tehseeldar, or any other officer who may be employed under him in the business of the collections, to take charge of the lands. The officer is to perform the duties prescribed to Aumeens in such cases, and under the same restrictions and penalties.

If the lands are decreed forfeited, the Governor General in Council may confirm the decree, or commute the forfeiture for a fine, within four weeks after he may receive the decree.

If the forfeiture is commuted for a fine, by what court and how it is to be levied.

Decree of forfeiture to be final, if the Governor General in Council shall not order it to be executed, or commute it for a fine within four weeks.

If the decree is declared or becomes final, the court to issue a precept to the Collector to sequester the lands.

If the forfeiture should stand confirmed, the Governor General in Council to confer the estate on the heirs of the offender, or to dispose of it at public sale.

XXIII. If the decree adjudging the lands of the offender forfeited shall be confirmed or stand good under Section XXII., it shall be at the option of the Governor General in Council, either to confer the rights which the offender possessed in the lands on his heirs, upon their agreeing to make good all sums whatever that may be due from him to Government on account of the lands forfeited, and to pay the fixed public revenue assessed upon them, or if the property forfeited be a dependent talook, the revenue payable from it to the proprietor within whose estate it may be situated; or to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited in Regulation XLV. 1793.

Courts how to proceed against persons holding farms of Government, who may resist their process.

Offender to be summoned to answer for his conduct.

XXIV. If a farmer of land, holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from any zillah court, on proof of the resistance being made by oath to its satisfaction, the court is to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house or building, or retire to any place so that he cannot

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the event of an appeal from the decree of the provincial court being presented to the Sudder Dewanny Adawlut, and the admission or rejection of the appeal depending upon the produce of the lands for the year before-mentioned exceeding or falling short of one thousand sicca rupees, the court of Sudder Dewanny Adawlut is to order the provincial court to obtain the necessary information regarding the produce, and after receiving their report, admit or reject the appeal according as they may deem equitable. It shall be at the option of the Governor General in Council, within four weeks after the receipt of a decree adjudging the estate of any person forfeited under this section, either to order it to be executed, or to commute the forfeiture for such fine as, upon a consideration of the situation and circumstances in life of the offender, he may think adequate to the offence for which the decree may be passed. In the event of the Governor General in Council commuting the forfeiture for a fine, the court which shall have transmitted the decree and proceedings to him, upon receiving notice of the fine that he may impose, is to levy the amount of it by the same process as is prescribed for enforcing decrees of the court. But if the Governor General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed or commute the forfeiture for a fine, the decree is to stand good against the offender. In such case, or in the event of the Governor General in Council ordering the decree to be executed, the court is to issue a precept, under the seal of the court and the signature of the Register, requiring the Collector of the Revenue of the zillah to depute an Aumeen with a proper establishment of officers (whose allowances are to be specified in the precept) to sequester the lands and collect the rents and revenues. If the lands of the offender shall be deemed by the court too inconsiderable to admit of their being charged with the expense of an Aumeen, they are to direct a precept to be issued to the Collector of the zillah to order the nearest Tehseeldar, or any other officer who may be employed under him in the business of the collections, to take charge of the lands. The officer is to perform the duties prescribed to Aumeens in such cases, and under the same restrictions and penalties.

If the lands are decreed forfeited, the Governor General in Council may confirm the decree, or commute the forfeiture for a fine, within four weeks after he may receive the decree.

If the forfeiture is commuted for a fine, by what court and how it is to be levied.

Decree of forfeiture to be final, if the Governor General in Council shall not order it to be executed, or commute it for a fine within four weeks.

If the decree is declared or becomes final, the court to issue a precept to the Collector to sequester the lands.

XXIII. If the decree adjudging the lands of the offender forfeited shall be confirmed or stand good under Section XXII., it shall be at the option of the Governor General in Council, either to confer the rights which the offender possessed in the lands on his heirs, upon their agreeing to make good all sums whatever that may be due from him to Government on account of the lands forfeited, and to pay the fixed public revenue assessed upon them, or if the property forfeited be a dependent talook, the revenue payable from it to the proprietor within whose estate it may be situated; or to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited in Regulation XLV. 1793.

If the forfeiture should stand confirmed, the Governor General in Council to confer the estate on the heirs of the offender, or to dispose of it at public sale.

XXIV. If a farmer of land, holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from any zillah court, on proof of the resistance being made by oath to its satisfaction, the court is to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house or building, or retire to any place so that he cannot

Courts how to proceed against persons holding farms of Government, who may resist their process.

Offender to be summoned to answer for his conduct.

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Court how to proceed if the offender shall not obey the summons.

be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or if he shall appear within the limited time, and after receiving his answer to the charge, and hearing the evidence which he may have to produce in his defence, it shall be proved, to the satisfaction of the court, that he is guilty of the charge, the court is to decree the lease cancelled from the expiration of the Bengal, Fussily, or Willaity year (according as the farm may be situated in Bengal, Behar, or Orissa) in which the decree may be passed.

A copy of the decree to be sent to the Governor General in Council if the cause shall not be appealed in time.

If the offender shall not appeal to the provincial court of appeal within the time limited for preferring appeals to that court in Section XII., Regulation V. 1793, the court is immediately to transmit to the Governor General in Council a copy of the decree and of all the proceedings respecting the charge.

If the offender should appeal, and the decision of the zillah court be confirmed, the provincial court to transmit a copy of the decree and proceedings to the Governor General in Council, in the event of the offender not appealing to the Sudder Dewanny Adawlut, or the cause not being appealable.

If the offender shall appeal to the provincial court of appeal within the prescribed period, and the court should confirm the decision of the zillah court, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the offender shall not lodge an appeal within the time limited for preferring appeals to that court in Section X., Regulation VI. 1793, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the zillah court, to the Governor General in Council.

Sudder Dewanny how to proceed, if they should admit an appeal and confirm the decree of the court.

If an appeal from the decision of the provincial court shall be admitted, and the Sudder Dewanny Adawlut should confirm the decree of the provincial court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council.

Rule for determining from what decrees passed under this section an appeal is to lie to the Sudder Dewanny Adawlut.

That no doubt may be entertained from what decrees passed by the provincial courts of appeal, under this section, an appeal is to be allowed to the Sudder Dewanny Adawlut, it is declared that an appeal shall not lie to the last-mentioned court, unless the revenue payable to Government by the offender, for the year in which the decree may be passed on account of the lands the lease for which may be adjudged annulled, shall exceed one thousand sicca rupees.

Option reserved to the Governor General in Council to confirm the decree or commute it for a fine, and to compel the farmer to perform the conditions of his lease.

It shall be at the option of the Governor General in Council, within four weeks after the receipt of a decree adjudging the lease of a farmer annulled under this section, either to order the decree to be executed, or to commute the forfeiture of the lease for such fine as, upon a consideration of the situation and circumstances in life of the offender, he may think adequate to the offence for which the decree may be passed; or if the offender shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements until the term of them shall expire.

By what court, and how such fines are to be levied.

If a fine shall be imposed upon the offender, the court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving notice of the fine, is to levy the amount of it by the same process as is prescribed for enforcing decrees of the court. But if the Governor General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed, or commute the forfeiture of the lease for a fine, the decree is to stand good against the offender, and the court is without delay to cause a copy of the decree to be sent to the Col-

lector.

If the lease of the offender should be annulled, how balances due from him are to be recovered.

Farmers whose leases may be cancelled how to recover balances.

lector. If the lease of the offender shall be annulled, and a balance shall be due from him to Government at the close of the year in which the lease may be cancelled, both he and his surety are to be held responsible for the payment of it, and the Collector of the Revenue of the zillah is empowered to proceed against them for the recovery of it, in the manner prescribed in Section XX., Regulation XIV. 1793, for the recovery of balances due from farmers whose leases may be declared annulled under that Regulation. The offender is permitted to prosecute in the Dewanny Adawlut of the zillah in which the farm may be situated, the dependent Talookdars, under-farmers, and Ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Zillah and city courts how to proceed against persons resisting process, who are not proprietors of land, Talookdars, or farmers.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

Persons fined by any zillah or city court under this section to be allowed an appeal to the higher courts under the Regulations.

XXV. If any person, not being a Zemindar, independent Talookdar, or other actual proprietor of land, or a dependent Talookdar, or a farmer of land holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from the court of Dewanny Adawlut established in any zillah, or in either of the three cities of Patna, Dacca, and Moorshedabad, on proof of the resistance being made by oath to its satisfaction, the court is to cause the offender to be summoned to answer to the charge. If the person for whom the summons may be issued shall abscond, or shut himself up in his own, or any house or building, or retire to any place so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or if he shall appear within the limited time, and after receiving his answer and hearing the evidence which he may have to produce in his defence, it shall be proved, to the satisfaction of the court, that he is guilty of the charge, the court is to adjudge the offender to pay such fine to Government as may appear to it proper, upon a consideration of his situation and circumstances in life, and the offence of which he may be convicted. If the offender shall not prefer an appeal to the provincial court of appeal within the time prescribed for lodging appeals, the court is to proceed to levy the amount by the same process by which it is empowered to carry its decrees for sums of money into execution. If the offender should appeal to the provincial court of appeal within the prescribed time, and the court should confirm the decision of the zillah or city court, the rules regarding appeals to the Sudder Dewanny Adawlut from the decisions of the provincial courts of appeal for sums of money, are to be held applicable to decisions which may be passed by the provincial courts under this section. If the provincial courts should confirm the decision of the zillah or city court, and the fine should not exceed one thousand sicca rupees, or if it should be above that sum, and the offender shall not prefer an appeal to the Sudder Dewanny Adawlut within the time prescribed for lodging appeals, the court is to proceed to levy the amount by the same process by which it is empowered to carry its decrees for sums of money into execution.

What the decrees of the courts are to contain.

XXVI. The Judges of the zillah and city courts are to insert in their decrees the names of the witnesses whose depositions may have been taken, To be sealed with the seal of the court, and signed by the Judge, and dated on the day on which they may be passed.

Judge or Register, within ten days to tender in open court a copy of the decree to the parties on a day of which previous notice is to be given.

Register to endorse on the decree the date on which it may be delivered or tendered.

Court how to proceed, in the event of parties or their Vakeels not being in attendance to receive a copy of the decree, or of their refusing to take it.

the title of every exhibit read in the cause, and the amount of the annual produce of the land, or the sum of money or the value of the property or thing decreed. The decree is to be sealed with the seal of the court, and signed by the Judge, and dated on the day on which it may be passed. The Judge or the Register, either at the time of making the decree or on a subsequent day (of which the court is to give notice to the parties or their Vakeels) within ten days after passing the decree, is to deliver or tender in open court to each party, or their Vakeels, a true copy of the decree, authenticated as above directed, with an endorsement made upon it by the Register of the date on which the copies may be delivered; and an entry of the delivery or tender, with the date on which it may be made, is to be inserted by the Register in the margin of the record opposite to the decree. If either of the parties, or their Vakeels, shall not be present at the time the decree may be passed, and the prescribed copy of it may be produced in the court to be delivered, or shall not attend on the subsequent day which may be fixed for the delivery of the copies, after previous notice of the day shall have been given to them, or shall refuse to take the copy of the decree when tendered as above directed, the copy is to be deposited amongst the records of the court, and the cause of the non-delivery of it to the party is to be noted upon it in writing, and in the margin of the record opposite to the decree, under the official signature of the Register.

A. D. 1793. REGULATION V.

A REGULATION *for establishing four Provincial Courts of Appeal for hearing Appeals from Decisions passed in the several Zillah and the three City Courts, and defining their Powers and Duties, and prescribing Rules for receiving and deciding upon Appeals, and other Causes of which they are declared to have Cognizance:* PASSED *by the Governor General in Council on the* 1st *May* 1793 *(corresponding with the* 21st *Bysaak,* 1200 *Bengal era; the* 6th *Bysaak,* 1200 *Fussily; the* 21st *Bysaak,* 1200 *Willaity; the* 6th *Bysaak,* 1850 *Sumbut; and the* 19th *Ramzaan,* 1207 *Higeree).*

I. PARTIES in suits instituted in the late courts of Mofussil Dewanny Adawlut, who considered themselves aggrieved by decisions of those courts, had no tribunal to which they could apply for redress but the Sudder Dewanny Adawlut, or court of appeal established at Calcutta. Individuals residing in the interior parts of the country, whose circumstances would not admit of their entertaining a Vakeel, at a heavy and an unlimited expense, for the special purpose of prosecuting an appeal, in addition to the authorized charges and other expenses, which necessarily attended the carrying on a law process in a court situated at so great a distance, and whose occupations prevented their repairing to Calcutta in person, were consequently often under the necessity of submitting to decisions by which they deemed themselves injured, even in suits that were appealable. In addition to this evil, arising from the local situation of the Sudder Dewanny Adawlut, the court being composed of the Governor General and the members of the Supreme Council, it became necessary, notwithstanding the then limited jurisdiction of the Mofussil Dewanny courts, to restrict appeals to decisions respecting property exceeding a certain and very considerable amount or value, to prevent a greater number of appeals being preferred than the general administration of the public affairs would allow of their hearing. The decisions of the courts of Mofussil Dewanny Adawlut were accordingly made final, in suits for money, or for personal property, in which the sum, or the value of the thing decreed, did not amount to more than one thousand sicca rupees, and for landed states paying an annual revenue to Government not exceeding one thousand sicca rupees, and for lands exempted from the payment of public revenue, the annual produce of which was not above one hundred sicca rupees. The principal part of the suits which were instituted in the courts not being appealable under the above limitations, the greater proportion of the suitors, consisting of claimants to landed property, traders, manufacturers, and other persons chiefly of the lower and most industrious orders of the people, had consequently no remedy against unjust or erroneous decisions. In suits regarding arrears of rent or revenue, between the various descriptions of proprietors and farmers of land, and their dependent Talookdars, underfarmers, and Ryots, and others concerned in the collection of the rents and revenues arising from land, and in matters between Government and proprietors and farmers of land, respecting the public revenue (which were excluded from the jurisdiction of the courts of Dewanny Adawlut, and cognizable by the Collectors in the late courts of Maal Adawlut or revenue courts), obstacles equally great existed to the prosecution of the appeal which lay in such cases to the Board of Revenue and the Governor General in Council, in addition to the further impediments occasioned by the irregularity in the process, and the defects in the constitution of the Revenue courts. The jurisdiction of the courts of Dewanny Adawlut established in the several zillahs, and the cities of Patna, Dacca, and Moorshedabad, being now extended not only to the causes which were cognizable in the courts of Maal Adawlut, but to civil suits of all descriptions between individuals, and under certain restrictions, between Government and its subjects; and it being essential to the prosperity of the country, that all persons, especially the cultivators of the soil, the traders, and manufacturers, and the other classes of the lower and most industrious orders of the community in the different parts of the provinces, who may be dissatisfied with the decisions of those courts, should have an appeal to a higher court to which they can have ready access, and that this court should be so constituted, that they may look up to it with confidence for speedy redress against unjust or erroneous decisions, the Governor General in Council has enacted as follows:

Four provincial courts of appeal established.

Places at which the four courts are to be established, and their respective denominations.

Three Judges to be appointed to each court. Their official appellations.

II. Four courts of appeal shall be established, one in the vicinity of Calcutta, one at the city of Patna, one at the city of Dacca, and one at the city of Moorshedabad, to be denominated, respectively, the provincial court of appeal for the division of Calcutta, Patna, Dacca, and Moorshedabad. Each court is to be superintended by three Judges, who are be styled, the first, second, and third Judge of the court to which they may be appointed. Every Judge, previous to entering upon the execution of the duties of his office, is to take and subscribe the following oath before the Governor General in Council, or any person whom he may commission to administer it.

"I, A. B.,"

Oath to be taken by the Judges.

"I, A. B., appointed Judge of the provincial court of appeal for the divi-
"sion of …………, solemnly swear, that I will administer justice conform-
"ably to the Regulations that have been, or may be passed by the Governor
"General in Council, according to the best of my ability, knowledge, and
"judgment, without fear, favour, promise, or hope of reward; that I will
"not receive, directly or indirectly, any present or nuzzer, either in money
"or effects of any kind, from any party or person whomsoever, on account
"of any suit to be instituted, or which may be depending, or have been
"decided in the court of appeal of which I am appointed a Judge; that I will
"not knowingly permit any person or persons under my authority, or in my
"immediate service, to receive, directly or indirectly, any present or nuzzer,
"in money or effects of any kind, from any party or person whomsoever,
"on account of any suit to be instituted, or which may be depending, or
"have been decided in the court; that I will render a true and faithful
"account of all sums of money that may be paid into the court, or disbursed
"from it; that I will not be concerned, directly or indirectly, in the pur-
"chase of goods or commodities in the British dominions in Bengal for the
"purpose of remitting money to Europe, or in any commercial transactions;
"and that I will not derive, directly or indirectly, any emoluments or advan-
"vantages from my station, excepting such as the orders of Government do
"or may authorize me to receive: So help me God."

Jurisdiction of the provincial courts of appeal.

III. The jurisdiction of the provincial courts of appeal is to extend over the cities and zillahs hereafter specified.

Jurisdiction of the Provincial Court of Appeal for the division of Patna.

Division of Patna.

The city of Patna, and the zillahs of Behar proper, Shahabad, Sarun, Tirhoot, and Ramgur.

Jurisdiction of the Provincial Court of Appeal for the division of Dacca.

Division of Dacca.

The city of Dacca, and the zillahs of Sylhet, Momensing, Dacca Jelalpore, Tipperah, and Chittagong.

Jurisdiction of the Provincial Court of Appeal for the division of Moorshedabad.

Division of Moorshedabad.

The city of Moorshedabad, and the zillahs of Moorshedabad, Boglepore, Rajeshahy, Purneah, Dinagepore, Rungpore, and the districts under the superintendence of the Commissioner at Cooch Behar, which are not included in the independent territories of the Rajah of Cooch Behar.

Jurisdiction of the Provincial Court of Appeal for the division of Calcutta.

Division of Calcutta.

The zillahs of Nuddeah, Jessore, Beerbhoom, Burdwan, Midnapore, including the salt districts to the west of the Hougly river, the Twenty-four Purgunnahs, and the zillah of Calcutta, consisting of the districts under the Collector of Calcutta, which are not included in the jurisdiction of the Supreme Court of Judicature.

Where the provincial courts of appeal are to be held.

IV. The provincial courts of appeal for the divisions of Patna, Dacca, and Moorshedabad, are to be held, respectively, at the cities of Patna, Dacca, and Moorshedabad; and the provincial court of appeal for the division of Calcutta, in the vicinity of Calcutta. The courts are to be held in a large and convenient room three days in every week (excepting for the period during which the Judges may be employed in making the half-yearly jail deliveries,

Courts to be held in a large room, three days in each week, or oftener if necessary.

deliveries, in their capacity of Judges of Circuit, under Regulation IX. 1793), or oftener if the business shall require it, and no rule, order, proceeding, or decree, is to be made but on court days and in open court.

No decree, order, &c. to be made, but on court days and in open court.

V. The provincial courts of appeal for the divisions of Calcutta, Moorshedabad, and Dacca, are to use a circular seal of two inches in diameter, with an inscription to the under-mentioned effect, in the Persian and Bengal characters and languages. The provincial court of appeal for the division of Patna is to use a seal of the same shape and dimensions, with a similar inscription in the Persian character and language, and the Hindostanee language and Nageree character: "The seal of the provincial court of appeal for the "division of ...."

Seals of the court.

VI. The provincial courts of appeal are empowered to try and determine, in the first instance, any suit or complaint, or any matter whatever of a civil nature, which may be transmitted to them for that purpose by the Governor General in Council, or by the Sudder Dewanny Adawlut, and to order the decree which they may pass to be executed by the Judge of the proper zillah or city court, in the same manner as the decrees of the zillah and city courts are directed to be enforced.

Provincial courts to try cases referred to them by the Sudder Dewanny Adawlut or the Governor General in Council, and to order their decree to be enforced by the zillah or city court.

VII. The provincial courts of appeal are empowered to receive any original suit or complaint, which may be cognizable in any zillah or city court within their respective jurisdictions, and to command the Judge of such zillah or city court, by a precept under the seal of the court and attested by the Register, to receive the suit or complaint, and to proceed to hear and determine it, provided proof shall be previously made to their satisfaction, that the Judge refused or omitted to receive or proceed in it. If the plaintiff shall refuse or neglect to proceed in the suit or complaint for the space of six weeks after the order of the provincial court of appeal may be received by the zillah or city court, the Judge is authorized to dismiss it, notwithstanding the order of the provincial court of appeal. In such cases, the Judge, within one week after the dismission of the suit, is to certify to the provincial court of appeal, under his hand and the seal of the court, that the suit or complaint has been dismissed, and the grounds of the dismission.

Cases in which the provincial courts of appeal are empowered to refer original suits to the zillah or city courts to be tried and determined.

Suit or complaint to be dismissed, if the party preferring it shall omit or refuse to proceed in it for six weeks.

Judge to notify the dismission of the suit to the provincial court.

VIII. The provincial courts are empowered to receive any petitions respecting suits or matters that may be depending, or have been decided in any zillah or city court within their respective jurisdictions; and provided it shall be proved to their satisfaction, that the petition was presented to the Judge, and that he refused or omitted to receive it or to comply with it, and the prayer of the petition shall appear to the court just and reasonable, and consistent with the Regulations, and that it was the duty of the Judge to have complied with it, the court are empowered to issue a precept, under the seal of the court and attested by the Register, commanding the Judge to receive the petition, and to proceed respecting it in such manner as they may think proper to direct, and return, by a limited period, what he has done in consequence of such command.

Cases in which the provincial courts may receive petitions respecting suits or matters depending, or which may have been decided in any zillah or city court.

Provincial courts how to proceed with such petitions.

IX. The provincial courts of appeal are prohibited corresponding by a letter with parties in suits, or process, or matters, depending before them or coming within their cognizance. If a party in a suit, or any person amenable

Courts of appeal not to correspond with parties in suits, or any person, respecting matters cognizable in the court.

to the jurisdiction of the court, shall have any matter to represent to the court, he is either to appear in the court in person and represent the matter in writing, or make the representation in writing through an authorized Vakeel. The court are to pass whatever order upon the representation may appear to them proper consistently with the Regulations, and to cause a copy of the order to be delivered to the person making the representation, or to his Vakeel, under the seal of the court and attested by the Register. The provincial courts of appeal are also prohibited corresponding by letter with the Judges of the zillah or city courts, respecting any cause or matter before them, or upon any matters whatever on which they may not be specially empowered so to correspond. When they shall have occasion to issue an order to the Judge of any zillah or city court, or require information from him on the subject of any suit or matter before them, the court are to issue a precept, under their seal and the signature of the Register, commanding the Judge to execute the order, or requiring him to furnish the information; and the Judge to whom the precept may be directed is to perform the exigence of it, or return good and sufficient reason why he has not done it.

Provincial courts of appeal prohibited corresponding by letter with the Judges of the zillah and city courts.

Provincial courts of appeal empowered to receive charges of corruption which may be preferred to them against the Judges of the zillah or city courts.

Rules to be observed in receiving such charges.

X. If any person shall charge the Judge of a zillah or city court, before the provincial court of appeal of the division, with having been guilty of corruption in opposition to his oath, the provincial court is to receive the charge and forward it to the Sudder Dewanny Adawlut; provided the complainant shall previously make oath to the truth of the charge (or subscribe the required declaration if he shall be of the description of persons whom the court is empowered to exempt from taking oaths), and give security, in whatever sum the court may judge proper, to appear and prosecute the charge when required. Unless the complainant shall take the oath, or subscribe the above-mentioned declaration and give the required security, the court is not to receive the charge. In all other cases not expressly provided for in this Regulation, in which it shall appear to the provincial courts of appeal that the Judges of the zillah or city courts have been guilty of negligence or misconduct in the discharge of their duty, they are to report the circumstances to the Sudder Dewanny Adawlut.

Provincial courts to report to the Sudder Dewanny Adawlut all cases of misconduct or neglect in the Judges, not expressly provided for by this Regulation.

By what rules the provincial courts are to proceed in causes referred to them for trial in the first instance, and in appeals preferred to them from the decisions of the zillah and city courts.

XI. In suits or complaints which may be transmitted by the Governor General in Council or the Sudder Dewanny Adawlut, to be tried and determined by the provincial courts of appeal, and also in appeals from the decisions of the zillah and city courts (except as to hearing witnesses and receiving evidence), the provincial courts are to proceed in the same manner, and with the like powers and authority, and subject to the same restrictions, limitations, and exceptions, as are prescribed to the zillah and city courts.

Persons deeming themselves aggrieved by the decision of any zillah or city court, at liberty to appeal to the provincial court of appeal.

What the petition of appeal is to contain.

XII. Any person who may consider himself aggrieved by the decision of a zillah or city court, is permitted to appeal from it, by petition to the court of appeal within the jurisdiction of which the court wherein the decision shall have been passed may be situated. The petition is to state (respect being had to the matter decreed) the annual produce of the lands, whether lakheraje or malguzarry, the sum of money or the value of the property which may be decreed, the name of the person in whose favour the decree may be given, the court in which it may have been passed, when it was made, what was decreed by it, and whether the decree has been executed; and is to assign some cause, special or general, for appealing from the decision. The petition is to be accompanied with an attested copy of the decree of the zillah or city court; or by a written declaration, signed by the party desirous to appeal or his Vakeel, that ten days after the decision was passed he applied to the Judge of the court for a copy of the decree, and was denied it. The petition is to be presented to the court in which the decree appealed against may have been passed, or to the provincial court of appeal of the division in which such court may be situated, within three calendar months after the day on which the decree may be given. But it shall nevertheless be permitted to such person, to prefer his petition of appeal to the provincial court of appeal after the expiration of the three months, and the court is authorized to admit the appeal, provided the petitioner can shew just and reasonable cause, to their satisfaction, for not having preferred it within the limited period. But whenever a provincial court of appeal shall admit an appeal which may be preferred to them after the limited time, they are to enter upon the record of the trial their reasons at large for admitting the appeal. If the petition of appeal shall be against a decree, whereby the right of possession of any zemindarry, independent or dependent talook, or any land or house, or other real property, shall be decreed to the plaintiff, all proceedings are to be immediately suspended, and no execution is to be had, or possession given under the decree, until the appeal shall have been finally determined in the provincial court of appeal, provided the party against whom the decree may be passed shall enter into good and sufficient security, in a sum equal to one year's amount of the annual produce of the zemindarry, talook, or other land, or house, or real property, which shall have been decreed, to abide by and perform whatever order may be passed in the provincial court of appeal. But if the party appealing shall neglect or refuse to enter into such security, on or before the court-day next after the day on which the appeal may be preferred, the court by which the decision may have been passed is to order the decree to be executed. In all other cases, the zillah or city court in which the decree may have been passed, may order the decree appealed against either to be carried into execution, or direct that sufficient security be given by the party against whom the decree may have been passed, in an amount equal to the sum of money or the value of the thing decreed, for the performance of the decree. If the zillah or city court shall order the decree to be executed, security is to be taken from the party in whose favour the decree may be passed, in a sum of money equal to the amount or value of the thing decreed, for the due performance of such order or decree as may be made in the provincial court of appeal. In all cases, however, the party appealing is to give good and sufficient security, in such sum as to the zillah or city court may seem proper upon a consideration of the amount or value of the property or thing decreed (provided that the security so to be taken be not, in any case, for a greater sum than five hundred rupees), for the payment of the costs that the provincial court of appeal may judge it proper to award, and for the performance of the decree which it may pass. When the securities hereby required shall have been entered into, the Judge of the court is immediately to endorse on the petition, in his own hand-writing, the day of the month and year in which it was presented, and sign it with his name, and cause to be written in the margin of the record, immediately opposite to the decree of the court, the word "appealed," and transmit the petition to the provincial court of appeal. The court is, at the same time, to

Petition of appeal to be accompanied with a copy of the decree, or a written declaration from the party or his Vakeel, that he applied for a copy of the decree within ten days and was denied it.

Period limited for preferring appeals,

Cases in which the provincial court may admit appeals after the limited time.

Court to record their reasons for admitting an appeal after the limited time.

Execution of decrees for real property passed in favour of the plaintiff, to be suspended upon the appellant giving the security herein specified.

Such decrees to be executed upon the appellant failing to give the required security.

In all other cases, the court may either execute the decree appealed against, or take security from the appellant for the performance of it.

If the court shall order the decree to be executed, security to be taken from the party in whose favour it may be made, for the performance of the decree of the provincial court,

In all cases, however, the appellant to give the security herein required.

When the appellants have entered into the securities required, the Judge is to make the endorsement herein required on the petition;

to transmit it to the provincial court of appeal;

to notify to the appellant that the proceedings will be certified to the provincial court in fifteen days;

and that if he shall not proceed in the appeal in six weeks from the date of its being filed in the provincial court, it will be dismissed.

to direct notice in writing to be given to the appellant, that within fifteen days, the proceedings held in the cause appealed will be certified to the provincial court of appeal, and that if he shall not proceed in the appeal within six weeks after it shall have been filed in the provincial court, his appeal will be dismissed, unless he shall shew reasonable cause, to the satisfaction of the provincial court, for not having proceeded in it.

Record, including original papers in the cause appealed, to be transmitted to the Register to the provincial court in fifteen days after the receipt of the appeal.

Copies of all the original papers transmitted to be attested by the Serishtadar, and deposited amongst the records of the court.

Copies to be deemed records of court, and to be received in evidence.

Copies of original papers to be sent to the provincial court, where the originals cannot be sent for the reasons herein specified.

XIII. The Judge of the zillah or city court, within fifteen days after the receipt of the appeal, is to certify, under his hand and the seal of the court, to the Register of the provincial court of appeal, the record duly made up and authenticated, including the original complaint, answer, replication, and rejoinder of the parties, the original depositions, exhibits, and every original paper read in the cause. Previous to transmitting the above-mentioned papers to the provincial court of appeal, he is to cause true and faithful copies of all the originals, authenticated by the Serishtadar or the head native officer of the court, to be made out and deposited in the zillah or city court, in lieu of the originals. The copies are to be deemed records of the court, and are to be received in evidence in any other zillah or city court. In cases where any original deposition, or other original proceedings or matter whatsoever, shall have been previously entered in any zillah or city court, in any book which may likewise contain either proceedings in other distinct causes, or any other matter, so that such original papers cannot be transmitted to the provincial court of appeal without the other proceedings or matters, the Judge of the zillah or city court, within the time and in the manner before directed, is to certify a true and authentic copy of such original papers, and that the original of each copy transmitted is so entered in such book. But he is, nevertheless, to transmit the original complaint, the original answer, or other separate pleadings of the parties, and the original exhibits which shall have been delivered in or produced by the parties, and read in the course of the cause before the court, if they be forthcoming, in the manner before required. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings, the copy is to be deemed the original, and the Judge is to transmit a copy of it to the provincial court of appeal, and in like manner to certify it, and that the original, after due search, cannot be found.

Recorded copies of original papers not forthcoming, to be deemed the originals, and copies of them to be forwarded and certified as herein required.

Cases in which the provincial courts are empowered to order the zillah or city courts to suspend the execution of decrees, appeals from which may be presented to them in the first instance.

XIV. If a petition of appeal shall be presented, in the first instance, to the provincial court of appeal against any decree of a zillah or city court, whereby the right to any zemindarry, independent or dependent talook, or any land or house, or other real property, shall have been decreed to the plaintiff in the original cause, and no execution shall have taken place, or possession been given under the decree of the zillah or city court, provided the party against whom the decree may have been passed shall have entered into good and sufficient security, in a sum equal to one year's amount of the annual produce of the zemindarry, talook, land or house, or other real property, which shall have been so decreed, to abide by and perform whatever order may be passed in the provincial court of appeal, the court is to issue an order to the Judge of the zillah or city court the decree of which shall be appealed against, to suspend the execution of it until the appeal shall have been finally determined. And in every case where a petition of appeal shall be preferred, in the first instance, immediately to the provincial court of appeal, and no security shall have been taken by the zillah or city court, the provincial court is not to proceed in the appeal, until the party appealing shall have entered into such security as he would have been required to have given, had he preferred his petition of appeal to the zillah or city court.

All process of the provincial courts of appeal (with the exception herein specified) to be issued through the zillah and city courts.

Provincial courts of appeal enjoined to acquaint the Sudder Dewanny Adawlut whenever the zillah or city courts refuse or omit to obey or to conform to their process or requisitions.

Judges of the zillah and city courts liable to be suspended by the Sudder Dewanny Adawlut for such offences.

Sudder Dewanny Adawlut to report to the Governor General in Council the suspension of Judges under this article within ten days.

XV. All process, both to parties and witnesses, and every rule or order for the execution of a decree or final order, and every other order whatever, which may issue from the provincial courts of appeal, whether originating with the provincial courts or issued pursuant to orders from the Sudder Dewanny Adawlut, is to be written or printed in the Persian and Bengal languages, in Bengal and Orissa, and in the Persian language, and the Hindostanee language and Nageree character, in Behar, and sealed with the seal of the provincial court and signed by the Register. All such process, rules, and orders, which are to be served or executed on any parties, witnesses, or persons (exclusive of the parties, Vakeels, or persons in actual attendance on the court), are to be directed to the Judge of the zillah or city court in which the cause of action shall originally have arisen, or in whose jurisdiction the lands may be situated, or the parties may be or reside. Every such process, rule, and order, is to limit a certain time in which it is to be served, executed, and returned to the provincial court of appeal. If a Judge of a zillah or city court, to whom any process, rule, or order whatever may be directed, shall wilfully disobey, or neglect to perform the commands contained in it, or make a false return, the provincial court are positively enjoined to report immediately such disobedience, neglect, or false return, to the Sudder Dewanny Adawlut, and the Judge so offending shall be liable to be suspended from his office by the Sudder Dewanny Adawlut. If the Sudder Dewanny Adawlut should suspend the Judge, they are to notify the suspension to the Governor General in Council within ten days after it may take place, together with the cause of it; and certify, under the seal of the court, the proceedings, depositions, and exhibits, and all other matters which may be necessary to enable the Governor General in Council to pass a determination upon the suspension, and to transmit to him, on his requisition, any further papers and proceedings respecting the cause, which he may deem necessary for his information.

Process of the provincial courts, how to be served by the Judges of the zillah and city courts.

To return the process executed, or reasons why it has not been executed.

Form and manner in which the return is to be made.

XVI. In all cases in which process, either to a party or witness, and all process whatever, and every rule or order for the execution of any decree or final order, or any order relating to a cause depending in a provincial court of appeal, which may be directed by such court to the Judge of a zillah or city court, the Judge to whom the process may be directed is to execute the order contained in the process, rule, or order, and return it, so executed, within the time limited, or return to the provincial court good and sufficient reason why it has not been served or executed. When any process, rule, decree, or order for the execution of any decree or final order, or any order whatever, shall be transmitted by the provincial court of appeal to the Judge of a zillah or city court, to be served or executed, the return to such process, rule, order, or decree, is to be made by the Judge of the zillah or city court, either by endorsement on the process, rule, order, or decree, or to be written on a paper firmly annexed to it; and if the return be made in the last-mentioned manner, there is to be an endorsement on the process, rule, order, or

Judge is to cause a copy of the process and return to be deposited amongst the records of the court.

Judge how to proceed, in case any such process cannot be served upon the party, in consequence of his absconding, or otherwise avoiding it.

Judge to fix up a writing in his court-room and at the place of residence of the party.

What the writing is to contain.

decree, referring the provincial court of appeal to the return contained on such annexed paper, and the Judge is to cause a copy of the process, rule, order, or decree, together with the return to it, to be deposited amongst the records of his court. And in all cases in which the provincial court of appeal shall transmit any order or process to be served or executed by the Judge of a zillah or city court against a party in a cause, and the party on whom it is to be served or executed is not, after diligent search, to be found, or shall have absconded or shut himself up in his own or any house or building, or retired to any place so that the process cannot be served upon him, the Judge to whom the process is directed is to cause to be stuck up in some conspicuous part of the room in which the court may be held, a writing (in the Persian and Bengal languages, if it be in Bengal or Orissa, and in the Persian language, and the Hindostanee language and Nageree character, if it be in Behar), containing a copy of the order or process, and a notice, that if the party shall not obey the exigence of it within the time limited, the provincial court of appeal will, without further notice, process, or order, proceed *ex-parte* to hear, try, and determine the cause to which such process or order may relate; and the Judge is likewise to cause a copy of such writing to be stuck up, with all practicable dispatch, on the outer door of the house in which the party may have usually dwelt, or in some conspicuous place in the village in which he may have usually resided, and to return to the provincial court of appeal, in the manner before directed, how he has executed the process.

Provincial courts to proceed ex-parte, when the zillah or city courts report that a party has absconded, or was not to be found, after the forms herein directed have been observed.

XVII. If the Judge of a zillah or city court, to whom any process, rule, or order of a provincial court of appeal may be transmitted, that it may be served or executed on any party, shall return that the party has absconded, or shut himself up in his own or any house or building, or retired to any place so that the process could not be served upon him, or was not after diligent search to be found, and that he had caused the writing to be fixed up in the places and manner directed, and the party shall not appear and obey the exigence of the process, rule, or order, the provincial court is to proceed *ex-parte* to try and determine the cause in which the process, rule, or order shall have issued, in the same manner as if the party had appeared and obeyed the exigence of the process.

Cases in which the provincial courts of appeal are empowered to take new evidence in appeals, or to refer them back for further evidence to the zillah or city courts.

Provincial courts to state their reasons upon the record of the trial, whenever they may exercise the powers above vested in them.

Courts empowered to hear the evidence in the cases above specified

XVIII. The provincial courts of appeal are empowered in cases of appeals, in which it shall appear to them that the original suit has not been sufficiently investigated in the zillah or city court, or for any other cause that may be deemed reasonable by the provincial court, either to receive such further evidence as they may think necessary for the just determination of the suit, and to give judgment upon it, or to refer the suit back to the zillah or city court in which it originated, accompanied by such special directions to the Judge with regard to the new evidence he is to receive respecting it, as may be deemed by the court most conducive to justice and the convenience of the parties and witnesses. But in every case in which the provincial courts may exercise the power above vested in them by this section, they are to enter upon the record of the trial their reasons for having exercised it. In cases in which the court may judge it proper to receive such further evidence themselves, they are empowered, according as they may deem most conducive to justice (respect being had to the nature of the cause and the evidence), either to examine the witnesses to be produced, *vivâ voce*, in open court, causing the witnesses to be first sworn, and their depositions to be reduced into writing and signed by the deponents respectively, or to authorize their Register to swear the witnesses and take their depositions, and to cause the deponent to sign them, and to authenticate them with his signature. The Register, in such case, is to examine the witnesses in the presence of both parties or their Vakeels, who are to be at liberty to put any questions to the witnesses that they may think proper; and the questions, with the answers to them, are, in the same manner, to be reduced into writing, signed and authenticated. But if due notice be given to the parties or their Vakeels, of the examination of any witness or witnesses before the Register, and he or they shall not attend at the time of the examination, the Register is to proceed in the examination as before directed, and the depositions are to be received as good and authentic evidence.

vivâ voce, or to order their Register to take it.

Cases in which the provincial courts may dispense with the oaths of witnesses,

or direct their evidence to be taken by commission.

XIX. The provincial courts of appeal may dispense with the oaths of such descriptions of witnesses as the zillah and city courts are authorized to exempt from taking of oaths, on their signing the declarations, in open court, which are required to be subscribed by such witnesses in the zillah and city courts. Where witnesses may be women of the description specified in Section VI. Regulation IV. 1793, or shall reside out of the jurisdiction of the court, and at a distance from it exceeding fifty coss, the court may grant such commissions as the zillah and city courts are authorized to grant, for the examination of such witnesses upon similar occasions. And the provincial courts of appeal may issue such commissions to creditable women, and send such letters to the Judges of the zillah and city courts for the examination of witnesses, in the cases in which the Judges of the zillah and city courts are authorized to send such commissions and letters.

Provincial courts how to proceed where witnesses do not attend, or refuse to be sworn or to give evidence, or sign their deposition, or any persons are guilty of contempt of court or perjury.

XX. If a witness duly summoned shall not attend, or attending shall refuse to be sworn or to give evidence, or to subscribe his deposition, or if such witness, or any person, shall be guilty of wilful or corrupt perjury in a cause depending in the court, or any contempt of court in open court, the provincial courts of appeal are to proceed with such witness or person, in the same manner as the zillah and city courts are authorized to deal with witnesses or persons in like manner offending.

Court to dismiss appeals, if the appellants omit to proceed in six weeks, without showing sufficient cause for the omission.

Reasons for the dismission of the appeal to be recorded.

XXI. If the appellant in an appeal filed in the provincial courts of appeal shall not proceed in the appeal for six weeks, the appeal is to be dismissed, unless the appellant shall show reasonable cause, to the satisfaction of the court, for not proceeding in it; and the court may, if they shall deem it equitable so to do, award to the respondent costs of suit. But, in all such cases, the court are to enter at large upon their proceedings the grounds upon which they may permit or refuse to allow the appellant to proceed.

No persons to be heard *vivâ voce* in any stage of the cause, excepting principals, their witnesses, or their Vakeels duly empowered.

XXII. In suits that may be referred by the Governor-General in Council, or the Sudder Dewanny Adawlut, to the provincial courts of appeal, and in appeals which may be preferred to those courts, no proceedings are to be held, either on behalf of the plaintiff or defendant, or any acts whatever done, either on behalf of the appellant or respondent, except by the plaintiff or defendant, the appellant or respondent themselves, or by a Vakeel admitted to plead in the court under Regulation VII. 1793; nor by any Vakeel, before his vakalutnamah shall have been filed in the court; and no persons, excepting such parties or their witnesses, or such Vakeels, shall be heard, vivâ voce, in any stage in the cause.

Provincial courts how to proceed against Zemindars, independent Talookdars, or other actual proprietors of land, or dependent Talookdars, who may resist their process.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

Decree to be passed if the offender shall not appear, or shall appear and be proved guilty of the charge.

XXIII. If a Zemindar, independent Talookdar, or other actual proprietor of land, or a dependent Talookdar, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from a provincial court of appeal, the court, on proof of the resistance being made by oath to their satisfaction, are to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed time, or if he shall appear, and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, it shall be proved, to the satisfaction of the court, that he is guilty of the charge, the court are to decree, that the offender shall, from the date of their decree, forfeit his zemindarry, talook, or other estate in which such resistance shall have been made; or if the resistance shall have been made out of the limits of the estate of the offender, the zemindarry, talook, or other landed property which he may possess within the jurisdiction of the zillah court, to which the execution of the process resisted may have been committed. If the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable and the offender shall not lodge an appeal within the time limited for preferring appeals to that court, in Section X. Regulation VI. 1793, the provincial court is immediately to forward a copy of their decree and proceedings to the Governor General in Council. If an appeal shall be received from the decision of the provincial court, and the Sudder Dewanny Adawlut should confirm the decree, they are immediately to transmit a copy of their decree and proceedings, and of the decree and proceedings of the provincial court of appeal, to the Governor General in Council. That no doubt may be entertained from what decrees passed by the provincial courts of appeal, under this section, an appeal is to be allowed to the Sudder Dewanny Adawlut, it is declared, that an appeal shall not lie to the last-mentioned court, unless the annual produce of the lands of the offender which may be adjudged forfeited (calculating according to the amount paid and payable to the offender by the dependent Talookdars, under-farmers, and Ryots, on account of the year in which the decree may be passed), shall exceed one thousand sicca rupees. In the event of an appeal from the decree of the provincial court being presented to the Sudder Dewanny Adawlut, and the admission or rejection of the appeal should depend upon the produce of the lands, for the year before-mentioned, exceeding or falling short of one thousand sicca rupees, the court of Sudder Dewanny Adawlut is to order the provincial court to obtain the necessary information regarding the produce, and after receiving their report, admit or reject the repeal, according as they may deem equitable. It shall be

A copy of the decree to be sent to the Governor General in Council, if the cause shall not be appealable, or not be appealed in time.

Sudder Dewanny Adawlut how to proceed, if the suit should be appealed to them, and they should confirm the decision of the provincial court.

Rule for determining from what decrees of the provincial courts, passed under this section, an appeal is to lie to the Sudder Dewanny Adawlut.

If the lands are decreed forfeited, the Governor General in Council may confirm the decree, or commute the forfeiture for a fine, within four weeks after he may receive the decree.

If the forfeiture is commuted for a fine, by what court and how it is to be levied.

Decree of forfeiture to be final, if the Governor General in Council shall not order it to be executed, or commute it for a fine within four weeks.

If the decree is declared or becomes final, the court to issue a process to the Collector to sequester the lands:

be at the option of the Governor General in Council, within four weeks after the receipt of a decree adjudging the lands of any person forfeited under this section, either to order it to be executed, or to commute the forfeiture for such fine as, upon a consideration of the situation and circumstances in life of the offender, he may think adequate to the offence for which the decree may be passed. In the event of the Governor General in Council commuting the forfeiture for a fine, the court which shall have transmitted the decree and proceedings to the Governor General in Council, upon receiving notice of the fine that he may impose, are to levy the amount of it by the same process by which they are directed to enforce decrees of the court. But if the Governor General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed or commute the forfeiture for a fine, the decree is to stand good against the defaulter. In such case, or in the event of the Governor General in Council ordering the decree to be executed, the court is to issue a precept, under the seal of the court and the signature of the Register, requiring the Collector of the Revenue of the zillah to depute an Aumeen with a proper establishment of officers (whose allowances are to be specified in the precept), to sequester the lands and collect the rents and revenues. If the lands of the defaulter shall be deemed by the court too inconsiderable to admit of their being charged with the expense of an Aumeen, they are to direct a precept to be issued to the Collector of the zillah, to order the nearest Tehseeldar, or other officer employed under him in the business of the collections, to take charge of the lands. The officer is to perform the duties prescribed to Aumeens in such cases, and under the same restrictions and penalties.

If the forfeiture should stand confirmed, the Governor General in Council to confer the estate on the heirs of the offender, or to dispose of it at public sale.

XXIV. If the decree adjudging the lands of the offender forfeited shall be confirmed or stand good under Section XXIII., it shall be at the option of the Governor General in Council, either to confer the rights which the offender possessed in the lands on his heirs, upon their agreeing to make good all sums whatever that may be due to Government from the defaulter on account of the lands forfeited, and to pay the fixed public revenue assessed upon them, or, if it be a dependent talook, the revenue payable from it to the proprietor within whose estate it may be situated; or to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited in Regulation XLV. 1793.

Provincial courts how to proceed against persons holding farms of Government, who may resist their process.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

Decree to be passed by the court, if the offender shall not appear, or shall appear and be proved guilty of the charge.

XXV. If a farmer of land, holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from a provincial court of appeal, on proof of the resistance being made by oath to their satisfaction, the court are to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house or building, or retire to any place so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or if he shall appear within the limited time, and after receiving his answer to the charge, and hearing the evidence which he may have to produce in his defence, it shall be proved, to the satisfaction of the court, that he is guilty of the charge, the court is to decree the lease cancelled from the expiration of the Bengal, Fussily, or Willaity year (according as the farm may be situated in Bengal, Behar, or Orissa) in which the decree may be passed.

A copy of the decree to be sent to the Governor General in Council if the cause shall not be appealable or not be appealed in time.

If the cause shall not be appealable, or if it shall be appealable, and the offender shall not lodge an appeal within the time limited for preferring appeals to that court in Section X. Regulation VI. 1793, the provincial court is immediately to forward a copy of the decree and proceedings to the Governor General in Council.

Sudder Dewanny Adawlut how to proceed, if they should admit an appeal and confirm the decree of the court.

If an appeal from the decision of the provincial court shall be admitted, and the Sudder Dewanny Adawlut should confirm the decree, they are immediately to transmit a copy of their decree, and of the decree and proceedings of the provincial court of appeal, to the Governor General in Council.

Rule for determining from what decrees passed under this section an appeal is to be to the Sudder Dewanny Adawlut.

That no doubt may be entertained from what decrees passed by the provincial courts of appeal, under this section, an appeal is to be allowed to the Sudder Dewanny Adawlut, it is declared that an appeal shall not lie to the last-mentioned court, unless the jumma payable to Government by the offender, for the year in which the decree may be passed, on account of the farm the lease for which may be adjudged annulled, shall exceed one thousand sicca rupees.

Option reserved to the Governor General in Council to confirm the decree or commute it for a fine, and to compel the farmer to perform the conditions of his lease.

It shall be at the option of the Governor General in Council, within four weeks after the receipt of a decree adjudging the lease of a farmer annulled under this section, either to order the decree to be executed, or to commute the forfeiture of the lease for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed; or if the offender shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements until the term of them shall expire.

By what court, and how such fines are to be levied.

If a fine shall be imposed upon the offender, the court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving notice of the fine, is to levy the amount of it by the same process as is prescribed for enforcing decrees of the court. But if the Governor General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed, or commute the forfeiture of the lease for a fine, the decree is to stand good against the offender, and the court is without delay to cause a copy of the decree to be sent to the Collector.

If the lease of the offender should be annulled, how balances due from him are to be recovered.

If the lease of the offender shall be annulled, and a balance should be due from him to Government at the close of the year in which the lease may be cancelled, both he and his surety are to be held responsible for the payment of it, and the Collector of the Revenue of the zillah is empowered to proceed against them for the recovery of it, in the manner prescribed in Section XX. Regulation XIV. 1793, for the recovery of balances due from farmers whose leases may be declared annulled under that Regulation.

Farmers whose leases may be cancelled how to recover balances.

The offender is permitted to prosecute in the Dewanny Adawlut of the zillah in which the farm may be situated, the dependent Talookdars, under-farmers, and Ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Court how to proceed against persons resisting process, who are not proprietors of land, Talookdars, or farmers.

XXVI. If any person, not being a Zemindar, independent Talookdar, or other actual proprietor of land, or a dependent Talookdar, or a farmer of land holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from a provincial court of appeal, on proof of the resistance being made by oath to its satisfaction, the court is to cause the offender to be summoned to answer to the charge. If the person for whom the summons may be issued shall abscond, or shut himself up in his own, or any house or building, or retire to any place so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or if he shall appear within the limited time, and after receiving his answer, and hearing the evidence which he may have to produce in his defence, it shall be proved to the satisfaction of the court that he is guilty of the charge, the court is to adjudge the offender to pay such fine to Government as may appear to it proper, upon a consideration of his situation and circumstances in life, and the offence for which the decree may be passed. The rules regarding appeals to the Sudder Dewanny Adawlut from the decisions of the provincial courts of appeal, for sums of money, are to be held applicable to decisions which may be passed by the provincial courts under this section. If the fine shall not exceed one thousand sicca rupees, or if it shall be above that sum, and the offender shall not prefer an appeal to the Sudder Dewanny Adawlut within the time prescribed for lodging appeals, the court is to proceed to levy the amount by the same process by which it is empowered to carry its decrees for sums of money into execution.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

Persons fined under this section allowed an appeal to the Sudder Dewanny Adawlut, under the rules for appealing from decisions passed for sums of money.

Court in what case and how to enforce such decrees.

XXVII. The provincial courts of appeal are empowered, in every case in which a sum of money is decreed to be paid by a Zemindar, independent Talookdar, or other actual proprietor of land, to issue an order to the proper zillah or city court to execute the decree, in the same manner as the zillah and city courts are authorized to execute decrees, by which a sum of money may be decreed to be paid by any of the descriptions of persons above-mentioned.

Provincial courts empowered to order the zillah and city courts to enforce decrees for sums of money against proprietors of land, by the same process as they enforce such decrees passed by themselves.

XXVIII. If a petition of appeal shall be preferred against the decision of any zillah or city court, founded on an award of arbitration, it is to be dismissed with costs; unless it be fully proved, to the satisfaction of the court, by the oaths of two credible witnesses, that the arbitrators have been guilty of gross corruption or partiality, in the cause in which they have made the award.

Petitions of appeal from decisions founded on awards of arbitrators, to be dismissed with costs.

Exception to the rule.

XXIX. The petition of appeal, pleadings, depositions, and exhibits, in the provincial courts of appeal, are to be numbered, marked, dated, and signed by the Register, in the same manner as the complaint, pleadings, depositions, and exhibits, are ordered to be numbered, marked, dated and signed, by the Register in the zillah and city courts. The decrees are to be signed by the Judges present in court when the decrees may be passed, and attested by the Register, and copies so signed and attested are to be delivered to the parties.

Proceedings of the provincial courts how to be numbered, marked, dated, and signed.

Decrees to be signed by the Judges, and attested by the Register, and copies to be delivered to the parties.

XXX. The decrees of the provincial courts of appeal are to be final, in all suits in which the decree may be for land, or other real property being lakheraje (or exempted from the payment of revenue to Government), the annual produce of which shall not exceed one hundred sicca rupees; or for any zemindarry, independent talook, or other landed estate being mulguzarry (or paying revenue to Government), where the produce shall not exceed one thousand

Cases in which the decrees of the provincial courts of appeal are to be final.

thousand sicca rupees per annum; or for any dependent talook, the annual produce of which shall not be more than one thousand sicca rupees; and in all other cases where the decree shall be for a sum of money or personal property, or real property not of the descriptions before-mentioned, the amount or value of which shall not exceed the sum of one thousand sicca rupees.

Provincial courts not to require translates of papers in the country languages from the zillah or city courts.

XXXI. The provincial courts are not to require the zillah or city courts to furnish them with translates of papers written in the country languages, either in causes that may be appealed or other matters.

Courts how to act in cases for which no rule may exist.

XXXII. In cases for which no specific rules may exist, the provincial courts of appeal are to act according to justice, equity, and good conscience.

A.D. 1793. REGULATION VI.

A REGULATION *for extending and defining the Powers and Duties of the Court of Sudder Dewanny Adawlut, and prescribing Rules for receiving and deciding upon Appeals from the Decisions of the Provincial Courts of Appeal:* PASSED *by the Governor General in Council on the 1st May* 1793 *(corresponding with the 21st Bysaak,* 1200 *Bengal era; the 6th Bysaak,* 1200 *Fussily; the 21st Bysaak,* 1200 *Willaity; the 6th Bysaak,* 1850 *Sumbut; and the 19th Ramzaan,* 1207 *Hijeree).*

I. The extension of the powers of the zillah and city courts of Dewanny Adawlut, or courts of judicature established in the several zillahs, and in the cities of Patna, Dacca, and Moorshedabad, for the trial of civil suits in the first instance, by Regulation III. 1793, and the erection of the four provincial courts of appeal, by Regulation V. 1793, having rendered it necessary to extend the powers of the Sudder Dewanny Adawlut, or court of appeal in the last resort in civil suits, and to modify the late Regulations prescribed for its guidance, in conformity to the principles upon which the courts subordinate to it have been constituted, the following rules have been enacted.

Court to consist of the Governor General and the other members of the Supreme Council.

II. The Court of Sudder Dewanny Adawlut is to consist of the Governor General and the other members of the Supreme Council.

Seal of the court.

III. The court is to use a circular seal, two inches and a quarter in diameter, with an inscription to the following effect, in the Persian and Bengal characters and languages, and in the Hindostanee language and Nageree character: "The seal of the Sudder Dewanny Adawlut." The court is to be held in a large and convenient room at Calcutta, and to sit *de die in diem* as the dispatch of business may require, and is empowered to make such reasonable adjournments as may be deemed expedient consistently with the business. No rule, order, proceeding, or decree, is to be made but on court days, and in open court.

Court to be held in Calcutta.

To sit *de die in diem,* and to make reasonable adjournments.

No decree, order, &c. to be made but on court days, and in open court.

Cases in which the Sudder Dewanny Adawlut is empowered to refer original suits, or complaints to the zillah or city courts.

IV. *First.* The Sudder Dewanny Adawlut is empowered to receive any original suit or complaint which may be cognizable in any zillah or city court, and to command the Judge of such court, by a precept under the seal of the court, and attested by the Register, to receive the suit or complaint, and to proceed

Suit or complaint to be dismissed, if the party preferring it shall refuse or omit to proceed in it for six weeks.

Judge to notify the dismission of the suit to the Sudder Dewanny Adawlut.

proceed to hear and determine it, provided proof shall be previously made, to their satisfaction that the Judge refused or omitted to proceed in it, and that the complainant applied to the provincial court of appeal of the division, and that such court omitted or refused to command the Judge to receive or proceed in it under Section VII., Regulation V. 1793. If the plaintiff shall refuse or neglect to proceed in the suit or complaint for the period of six weeks after the order of the Sudder Dewanny Adawlut may be received by the zillah or city court, and notified to the complainant, the Judge is authorized to dismiss it, notwithstanding the order of the Sudder Dewanny Adawlut. In such cases, the Judge, within one week after the dismission of the suit or complaint, is to certify to the Sudder Dewanny Adawlut, under his hand and the seal of the court, that the suit or complaint has been dismissed, and the grounds of the dismission.

Cases in which the Sudder Dewanny Adawlut may receive petitions respecting suits or matters depending, or which may have been decided, in any zillah or city court.

Court how to proceed with such petitions.

Second. The Sudder Dewanny Adawlut is vested with authority to receive any petitions respecting suits or matters that may be depending, or have been decided, in any zillah or city court; and provided it shall be proved to their satisfaction that the petition was presented to the Judge of such court, and that he refused or omitted to receive it, or to comply with the prayer of it, and the prayer shall appear to the court just and reasonable, and consistent with the Regulations, and they shall be of opinion that it was the duty of the Judge to have complied with it, and that the complainant applied to the provincial court of appeal of the division, and that such court omitted or refused to grant the precept specified in Section VIII., Regulation V. 1793, the court are empowered to issue a precept, under the seal of the court and attested by the Register, commanding the Judge to receive the petition, and to proceed respecting it in whatever manner they may think it proper to direct, and return by a limited period what he has done in consequence of such command.

Cases in which the Sudder Dewanny Adawlut is empowered to refer appeals to the provincial courts to be tried and determined.

Appeal to be dismissed, if the appellant shall omit or refuse to proceed in it for six weeks.

Provincial court to notify the dismission of the appeal to the Sudder Dewanny Adawlut.

V. *First.* The Sudder Dewanny Adawlut is empowered to receive any appeal from a decision of a zillah or city court which may be cognizable in any provincial court of appeal, and to command such provincial court, by a precept under the seal of the court and attested by the Register, to receive the appeal, and to proceed to hear and determine it; provided proof shall be previously made to their satisfaction, that the provincial court omitted or refused to receive or proceed in it. If the appellant shall refuse or omit to proceed in the appeal for the period of six weeks after the order of the Sudder Dewanny Adawlut may be received by the provincial court, and notified to him, the provincial court is empowered to dismiss it, notwithstanding the order of the Sudder Dewanny Adawlut. In such cases, the provincial court, within one week after the dismission of the appeal, is to certify to the Sudder Dewanny Adawlut, under their hands and the seal of the court, that the appeal has been dismissed, and the grounds of the dismission.

Cases in which the Sudder Dewanny Adawlut may receive petitions respecting appeals or matters depending, or which may have been decided in any provincial court.

Sudder Dewanny Adawlut how to proceed in such cases.

Second. The Sudder Dewanny Adawlut is vested with authority to receive any petitions respecting appeals or matters that may be depending, or have been decided in any provincial court of appeal; and provided it shall be proved to their satisfaction that the petition was presented to the provincial court, and that they refused or omitted to receive it, or to comply with the prayer of it, and the prayer shall appear to the court just and reasonable and consistent with the Regulations, and they shall be of opinion that it was the duty of the provincial court to have complied with it, the court are empowered to issue a precept, under th eseal of the court and attested by the Register, commanding the provincial court to receive the petition, and to proceed respecting it in such manner as they may think it proper to direct, and to return by a limited period what has been done in consequence of such command.

Sudder Dewanny Adawlut not to correspond with parties in suits, or any person, respecting matters before the court or cognizable by it.

VI. The Sudder Dewanny Adawlut is prohibited corresponding, by letter, with parties in suits or process, or matters depending before them or coming within their cognizance. If a party in a suit, or any person amenable to the jurisdiction of the court, shall have any matter to represent to the court, he is either to appear in the court in person, and represent the matter in writing, or to make the representation in writing through an authorized Vakeel. The court are to pass whatever order, upon the representation, may appear to them proper consistently with the Regulations, and to cause a copy of the order to be delivered to the person making the representation, or to his Vakeel, under the seal of the court and attested by the Register.

In trying matters in the first instance, and in appeals, the Sudder Dewanny Adawlut to be guided by the rules prescribed to the zillah and city courts.

Exception to the rule.

VII. In matters which the Sudder Dewanny Adawlut may be empowered by any Regulation to try in the first instance, and also in appeals that may be preferred to the court from decisions of the provincial courts of appeal (excepting as to hearing witnesses and receiving evidence), the court is to proceed in the same manner, and with the like powers and authority, and subject to the same restrictions, limitations, and exceptions, as are prescribed to the zillah and city courts.

Sudder Dewanny Adawlut how to proceed, in the event of the Judge of a zillah or city court, or a provincial court of appeal, being charged with corruption.

VIII. If any person shall charge the Judge of a zillah or a city court, or of a provincial court of appeal, before the Sudder Dewanny Adawlut, with having been guilty of corruption in opposition to his oath, the court is to receive the charge, provided the complainant shall previously make oath to the truth of it (or subscribe the required declaration, if he shall be of the description of persons whom the court are empowered to exempt from taking oaths), and give security, in whatever sum the court may judge proper, to appear and prosecute the charge when required. Unless the complainant shall take the oath or subscribe the above-mentioned declaration, and give the required security, the court are not to receive the charge. If the court shall receive any such charge, or upon a charge of corruption against the Judge of any zillah or city court being transmitted to them by any provincial court of appeal, under Section X., Regulation V. 1793, the court (according as they may deem proper upon a consideration of the circumstances of the case), may direct the parties to proceed to Calcutta, that the charge may be tried before the Sudder Dewanny Adawlut; or if the party accused shall be a Judge of a zillah or a city court, the court may order the charge to be tried by the provincial court of appeal of the division; or if the party accused shall be a Judge of a provincial court, the court may grant a special commission to three or more of the Judges of the other provincial courts to assemble and try the charge; or in any of the cases mentioned in this section, they may recommend to the Governor General in Council to order the party accused to be prosecuted in the Supreme Court of Judicature by the law officers of Government, under the provisions made by Act of Parliament for such cases. If the charge shall be established, the Governor General in Council will either remove such Judge from his office, or suspend him from the Honourable

Punishment to which the party accused will be liable, if convicted.

Company's service, or pass such other order as may appear to him proper. If the charge shall not be proved, the Judge so accused is to be at liberty to sue the accuser for damages, in any court of judicature to which he may be amenable. The rules contained in this section are not be construed to prevent any individual who may have a charge of corruption to prefer against a Judge of any zillah or city court, or provincial court of appeal, from prosecuting such charge in the Supreme Court of Judicature in the first instance, under the provisions made by Act of Parliament for such cases.

If the charge shall not be proved, the accuser to be liable to be prosecuted for damages.

Rules contained in this section not meant to debar individuals from prosecuting such Judges in the Supreme Court in the first instance, under the Acts of Parliament.

Cases in which the court may decide upon appeals from decisions of courts or boards having appellate jurisdiction, passed on or before the 6th April 1781, or

subsequent to the 6th April 1781, and previous to the 1st May 1793.

IX. *First.* The Sudder Dewanny Adawlut are empowered to hear and determine appeals in the following cases. From decisions in suits or matters of a civil nature, which may have been passed by the chief and other members of any provincial council or committee, or any member or members of such council or committee, as a court of appeal, where the decisions shall have been passed on or before the 6th of April 1781, and the petition of appeal shall have been presented to the Sudder Dewanny Adawlut, or to the President and Council, or the Governor General and Council, on or before the 1st of February 1782. From decisions passed by the late Committee of Revenue or the Board of Revenue, between the 6th April 1781 and the 1st May 1793, either in suits that may have been tried and decided in the first instance by them, or in appeals from decisions of the Collectors, or any covenanted civil servant of the Company entrusted with the collection of the revenue of any district, where a petition of appeal shall have been presented to that committee or board, or to the Governor General and Council, or the Governor General in Council, within one month after the decree shall have been passed. Provided, however, that if the appellant in the cases specified in this clause shall have merely filed a petition of appeal, and shall have omitted to proceed in the appeal for six weeks, the court are to dismiss the appeal, unless the appellant shall shew good and sufficient cause, to their satisfaction, for not having proceeded in it.

Cases in which the court may receive appeals from such decisions, although not presented within the periods specified in Clause First.

Court to exercise the power herein specified with caution.

Reasons for every exercise of the powers herein specified to be recorded on the proceedings.

Second. The Sudder Dewanny Adawlut is empowered to admit and determine any appeal that may be preferred to them after the periods limited in Clause First, provided the person presenting it can shew just and reasonable cause, to the satisfaction of the court, for not having preferred the appeal within the limited periods. But the court is to exercise with caution the power vested in it by this clause and Clause First, of trying or admitting appeals from decisions after the elapse of the time limited for trying or admitting them, lest all property held under such decisions should be deemed insecure from being considered liable to be again contested; and in every case in which they may judge it proper to agree, or to refuse, to try or admit such appeals, they are to record their reasons at large for so doing on their proceedings.

What decision the court may pass in appeals of any description which they may be empowered to try.

Third. The court are empowered to confirm or reverse, in whole or in part, the decrees, appeals from which they may try under Clause First and Second, as also all other decrees from which they are or may be authorized to receive appeals, and to make such further order on all such decrees, as justice, equity, and good conscience may require, and award such costs to either party as they may deem reasonable.

From what decrees of the provincial courts

X. If any person shall deem himself aggrieved by the decree of a provincial of appeal on appeal is to be to the Sudder Dewanny Adawlut.

cial court of appeal that may be passed subsequent to the 1st May 1793, for land or other real property being lakheraje (exempted from the payment of revenue to Government), the annual produce of which shall exceed one hundred sicca rupees, or for any zemindarry, independent talook, or other landed estate, being malguzarry (paying revenue to Government), where the produce shall exceed one thousand sicca rupees per annum, or for any dependent talook, the annual produce of which shall be more than one thousand sicca rupees, and in all other cases where the decree shall be for a sum of money, or personal property, or real property not of the descriptions before-mentioned, the amount or value of which shall exceed one thousand sicca rupees, such person shall be at liberty to appeal from the decision to the Sudder Dewanny Adawlut by petition of appeal. The petition is to state (respect being had to the matter decreed) the annual produce of the land, whether lakheraje or malguzarry, the sum of money or the value of the property which may be decreed, the name of the person in whose favour the decree may be given, the court in which it may have been passed, when it was made, what was decreed by it, and whether the decree has been executed; and is to assign some cause, special or general, for appealing from the decision.

Petition of appeal to be accompanied with a copy of the decree, or a written declaration from the party or his Vakeel, that he applied for a copy of the decree within ten days and was denied it.

Period limited for preferring appeals.

Cases in which the Sudder Dewanny Adawlut may admit appeals after the limited time.

The petition is to be accompanied with an attested copy of the decree of the provincial court of appeal, or by a written declaration, signed by the party desirous to appeal or his Vakeel, that ten days after the decision was passed he applied to the court for a copy of the decree and was denied it. The petition is to be presented to the court in which the decree appealed against may have been passed, or to the Sudder Dewanny Adawlut, within three calendar months after the day on which the decree may be given. But it shall nevertheless be permitted to such person to prefer his petition of appeal to the Sudder Dewanny Adawlut after the expiration of the three months; and the court are authorized to admit the appeal, provided the petitioner can show just and reasonable cause, to their satisfaction, for not having preferred it within the limited period.

Court to record their reasons for admitting or rejecting an appeal after the limited time, and to attend to the caution in Clause Second, Section IX.

But whenever the Sudder Dewanny Adawlut may admit or reject an appeal which may be preferred to them after the limited time, they are to enter upon their proceedings their reasons at large for so doing, and in admitting such appeals, they are to observe the caution prescribed in Clause Second Section IX, with regard to the trial or admission of the appeals therein alluded to, after the limited period.

Execution of decrees for real property in possession of the party cast to be suspended, upon his giving the security herein specified.

If the petition of appeal shall be against a decree whereby the right of possession of any zemindarry, independent or dependent talook, or any land or house, or other real property, shall be decreed, and the party cast shall be in possession of the property at the time the decree may be made, all proceedings are to be immediately suspended, and no execution is to be had, or possession given under the decree, until the appeal shall have been finally determined in the Sudder Dewanny Adawlut; provided such party shall enter into good and sufficient security, in a sum equal to one year's amount of the annual produce of the zemindarry, talook, or other land or house, or real property, which shall have been decreed, to abide by and perform whatever order may be passed by that court.

Such decrees to be executed on the party cast.

But if such party shall neglect or refuse to enter into the prescribed security, on or before the court day next after the day on which the appeal may be preferred, the court by which the decision may have been passed is to order the decree to be executed. In all other cases, the provincial court of appeal may order the decree appealed against to be carried into execution, or direct that sufficient security be given by the party against whom the decree may have been passed, in an amount equal to the sum of money or value of the thing decreed, for the performance of the decree. If the provincial court shall order the decree to be executed, security is to be taken from the party in whose favour the decree may be passed, in a sum of money equal to the amount or value of the thing decreed, for the due performance of such order or decree as may be made in the Sudder Dewanny Adawlut. In all cases, however, the party appealing is to give good and sufficient security in such sum as to the provincial court may seem proper, upon a consideration of the amount or value of the property or thing decreed (provided that the security so to be taken be not in any case for a greater sum than five hundred sicca rupees), for the payment of the costs that the Sudder Dewanny Adawlut may award, and for the performance of the decree which it may pass. When the securities hereby required shall have been entered into, the senior Judge of the court is immediately to endorse on the petition, in his own hand-writing, the day of the month and the year in which it may be presented, and sign it with his name, and cause to be written in the margin of the record, immediately opposite to the decree of the court, the word "appealed," and the court are to transmit the petition to the Sudder Dewanny Adawlut. The court is, at the same time, to direct notice to be given to the appellant in writing, that within fifteen days the proceedings held in the cause appealed will be certified to the Sudder Dewanny Adawlut, and that if he shall not proceed in the appeal within six weeks after it may be filed in that court, the appeal will be dismissed, unless he shall shew reasonable cause, to the satisfaction of the court, for not having proceeded in it.

In all other cases, the court may either execute the decree appealed against, or take security from the party cast for the performance of it.

If the court shall order the decree to be executed, security is to be taken from the party in whose favour it may be made for the performance of the decree of the Sudder Dewanny Adawlut.

In all cases, however, the appellant is to give the security herein required.

When the appellant has entered into the securities required, the senior Judge of the court is to make the endorsement herein directed on the petition: and

the court is to transmit it to the Sudder Dewanny Adawlut.

Notification to be made to the appellant upon the receipt of the petition of appeal.

XI. The court, within fifteen days after the receipt of the appeal, are to certify, under their hands and the seal of the court, to the Register of the Sudder Dewanny Adawlut, the record duly made up and authenticated, including the original petition of appeal and answer of the parties, the original papers and documents received from the zillah or city court, the original depositions (where any may have been taken before the provincial court), exhibits, and every original paper read in the cause. Previous to transmitting the above-mentioned papers to the Sudder Dewanny Adawlut, the provincial court are to cause true and faithful copies of all the originals, authenticated by the Sheristadar or head native officer of the court, to be made out and deposited in the court in lieu of the originals. The copies are to be deemed records of the court, and are to be received in evidence in any other court. In cases where any original depositions, or other original proceedings or matter whatsoever, shall have been previously entered in any provincial court, in any book which may likewise contain either proceedings in other distinct causes, or any other matter, so that such original papers cannot be transmitted to the Sudder Dewanny Adawlut without the other proceedings or matters, the court, within the time and in the manner before directed, is to certify a true and authentic copy of such original papers, and that the original of each copy transmitted is so entered in such book. But they are, nevertheless, to transmit the original petition of appeal, the original answer or other separate pleadings of the parties, and the original exhibits which shall have been

Record, including original papers in the cause appealed, to be transmitted to the Register to the Sudder Dewanny Adawlut in fifteen days after the receipt of the appeal.

Copies of all the original papers transmitted, attested by the Sheristadar, to be deposited amongst the records of the court.

Copies to be deemed records, and to be received in evidence.

Copies of original papers to be sent to the Sudder Dewanny Adawlut, where the originals cannot be sent for the reasons herein specified.

been delivered in, or produced by the parties and read in the course of the cause before the court, if they be forthcoming, in the manner before required. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings, the copy is to be deemed the original, and the court is to transmit a copy of it to the Sudder Dewanny Adawlut, and in like manner to certify it, and that after due search the original cannot be found.

Recorded copies of original papers not forthcoming to be deemed the originals, and copies of them to be forwarded and certified as herein required.

Cases in which the Sudder Dewanny Adawlut are empowered to order the provincial courts to suspend the execution of decrees, appeals from which may be presented to them in the first instance.

XII. If a petition of appeal shall be presented in the first instance to the Sudder Dewanny Adawlut against any decree of a provincial court of appeal, whereby the right of possession of any zemindarry, independent or dependent talook, or any land or house, or other real property, shall have been decreed, and the party cast shall have been in possession of the property at the time the decree was passed, and no execution shall have taken place, or possession been given under the decree of the provincial court, and provided such party shall have given good and sufficient security to the provincial court, in a sum equal to one year's amount of the annual produce of the zemindarry, talook, land, or house, or other real property which may have been so decreed, to abide by and perform whatever order may be passed in the Sudder Dewanny Adawlut, the court is to issue an order to the provincial court, the decree of which shall be appealed against, to suspend the execution of it until the appeal shall have been finally determined. And in every case where a petition of appeal shall be preferred in the first instance immediately to the Sudder Dewanny Adawlut, and no security shall have been taken by the provincial court, the Sudder Dewanny Adawlut is not to proceed in the appeal, until the party appealing shall have entered into such security as he would have been required to have given had he preferred his petition of appeal to the provincial court.

All process of the Sudder Dewanny Adawlut (with the exceptions herein specified) to be issued through the provincial courts of appeal.

XIII. All process, both to parties and witnesses, and every rule or order for the execution of a decree or final order, and every other order whatever, which may issue from the Sudder Dewanny Adawlut, is to be written or printed in the Persian and Bengal languages, in Bengal and Orissa, and in the Persian language and the Hindostannee language and Nageree character, in Behar, and sealed with the seal of the court and signed by the Register. All such process, rules, and orders, which are to be served or executed on any parties, witnesses, or persons (exclusive of the parties, Vakeels, or persons in actual attendance on the court), are to be directed to the provincial court of the division in which the cause of action shall originally have arisen, or in which the lands may be situated or the parties may be or reside. Every such process, rule, and order, is to limit a certain time in which it is to be served, executed, and returned to the Sudder Dewanny Adawlut. If any provincial court, to whom any process, rule, or order whatever may be directed, shall wilfully disobey or neglect to perform the commands contained in it, or make a false return, the Judges of the court who may commit such offence shall be liable to be suspended from their office by the Sudder Dewanny Adawlut. If the Sudder Dewanny Adawlut shall suspend any Judge or Judges of a provincial court under this section, they are to notify the suspension to the Governor General in Council within ten days after it may take place, together with the cause of it; and certify, under the seal of the court, the proceedings, depositions,

Judges of the provincial courts liable to be suspended by the Sudder Dewanny Adawlut, for refusing or omitting to obey, or to conform to their process or requisitions.

Sudder Dewanny Adawlut to report to the Governor General in Council the suspension of Judges under this section within ten days.

sitions, and exhibits, and all other matters which may be necessary to enable the Governor General in Council to pass a determination upon the suspension, and to transmit to him, on his requisition, any further papers and proceedings respecting the cause which he may deem necessary for his information. But the Sudder Dewanny Adawlut is empowered, in cases in which, for the sake of expedition, or other purpose, it may judge it expedient so to do, to issue any process to parties or witnesses immediately through the proper zillah or city court, instead of directing it in the first instance to the provincial court of appeal. In such cases, the process is to be executed and returned directly to the Sudder Dewanny Adawlut, and the Judge to whom it may be directed is to be subject to the like penalties for making a false return, or other default in the execution of the orders contained in the process, as he would have been liable to, had the process been issued from the provincial court.

Cases in which the court may issue process to parties or witnesses immediately through the zillah or city courts.

XIV. In all cases in which process, either to a party or witness, and all process whatever, and every rule or order for the execution of any decree or final order, or any order relating to a cause depending in the Sudder Dewanny Adawlut, which may be directed by such court to any provincial court of appeal, the court to which the process may be directed is to execute the order contained in the process, rule, or order, and return it so executed within the time limited, or return to the Sudder Dewanny Adawlut good and sufficient reason why it has not been served or executed. When any process, rule, decree, or order for the execution of any decree or final order, or any order whatever, shall be transmitted by the Sudder Dewanny Adawlut to a provincial court of appeal to be served or executed, the return to such process, rule, order, or decree is to be made by the court, either by endorsement on the process, rule, order, or decree, or to be written on a paper firmly annexed to it; and if the return be made in the last-mentioned manner, there is to be an endorsement on the process, rule, order, or decree, referring the Sudder Dewanny Adawlut to the return contained in such annexed paper, and the court is to cause a copy of the process, rule, order, or decree, together with the return to it, to be deposited amongst the records of the court. And in all cases in which the Sudder Dewanny Adawlut may transmit any order or process to be served or executed by a provincial court against a party in a cause, and the party on whom it is to be served or executed is not, after diligent search, to be found, or shall have absconded, or shut himself up in his own or any house or building, or retired to any place so that the process cannot be served upon him, the court to which the process may be directed is to cause to be fixed up in some conspicuous part of the room in which the court may be held, a writing (in the Persian and Bengal languages, if it be in Bengal or Orissa, and in the Persian language, and the Hindostanee language and Nageree character, if it be in Behar) containing a copy of the order or process, and a notice that if the party shall not obey the exigence of it within the time limited, the Sudder Dewanny Adawlut will, without further notice, process, or order, proceed *ex-parte* to hear, try, and determine the cause to which such process or order may relate; and the court is likewise to cause a copy of such writing to be fixed up, with all practicable dispatch, on the outer door of the house in which the party may have commonly dwelt, or in some conspicuous place in the village in which he may have usually resided, and to return

Process of the Sudder Dewanny Adawlut how to be served by the provincial courts.

To return the process executed, or reasons why it has not been executed.

Form and manner in which the return is to be made.

Court to cause a copy of the process and return to be deposited amongst the records of the court.

Court how to proceed in case any such process cannot be served upon the party, in consequence of his absconding or otherwise avoiding it.

Court to fix up a writing in the court-room, and at the place of residence of the party.

What the writing is to contain.

return to the Sudder Dewanny Adawlut, in the manner before directed, how he has executed the process.

Sudder Dewanny Adawlut to proceed ex-parte when the provincial courts shall report that a party has absconded, or was not to be found after the observance of the forms herein directed.

XV. If a provincial court of appeal to which any process, rule, or order of the Sudder Dewanny Adawlut may be transmitted, for the purpose of being served or executed on any party, shall return that the party has absconded, or shut himself up in his own or any house or building, or retired to any place so that the process could not be served upon him, or that he was not after diligent search to be found, and that they had caused the writing to be fixed up in the places and manner directed, and the party shall not appear and obey the exigence of the process, rule, or order, the Sudder Dewanny Adawlut is to proceed *ex-parte* to try and determine the cause in which the process, rule, or order shall have issued, in the same manner as if the party had appeared and obeyed the exigence of the process.

Cases in which the Sudder Dewanny Adawlut is empowered to take new evidence in appeals, or to refer them back for further evidence to the provincial courts.

XVI. The Sudder Dewanny Adawlut is empowered in cases of appeal, in which it shall appear to them that the original suit has not been sufficiently investigated in the provincial court of appeal, or for any other cause that may be deemed reasonable by the court, either to receive such further evidence as they may think necessary for the just determination of the suit, and to give judgment upon it, or to refer the suit back to the provincial court in which it originated, accompanied by such special directions to the provincial court, with regard to the new evidence they are to receive respecting it, as may be deemed by the court most conducive to justice and the convenience of the parties and witnesses. But in every case in which the Sudder Dewanny Adawlut may exercise the power above vested in them by this section, they are to enter upon the record of the trial their reasons for having exercised it. In cases in which the court may judge it proper to receive such further evidence themselves, they are empowered, according as they may deem most conducive to justice (respect being had to the nature of the cause and the evidence), either to examine the witnesses to be produced *vivâ voce* in open court, first causing the witnesses to be sworn, and their depositions to be reduced into writing and signed by the deponents respectively, or to authorize their Register to swear the witnesses and take their depositions, and to cause the deponents to sign them, and to authenticate them with their signatures. The Register, in such case, is to examine the witnesses in the presence of both parties or their Vakeels, who are to be at liberty to put any questions to the witnesses that they may think proper, and the questions, with the answers to them, are in the same manner to be reduced into writing, signed and authenticated. But if due notice be given to the parties or their Vakeels of the examination of any witness or witnesses before the Register, and he or they shall not attend at the time of the examination, the Register is to proceed in the examination as before directed, and the depositions are to be received as good and authentic evidence.

Sudder Dewanny Adawlut to state their reasons on the record of the trial, whenever they may exercise the powers above vested in them.

Courts empowered to hear the evidence in the cases above specified vivâ voce, or to order their Register to take it.

Cases in which the Sudder Dewanny Adawlut may dispense with the oaths of witnesses.

XVII. The Sudder Dewanny Adawlut may dispense with the oaths of the descriptions of witnesses which the zillah and city courts are authorized to exempt from taking oaths, on their signing, in open court, the declarations that are required to be subscribed by such witnesses in the zillah and city courts. Where witnesses may be women of the description specified in Section VI., VI., Regulation IV. 1793, or shall reside out of the jurisdiction of the court, and at a distance from it exceeding fifty coss, the court may grant such commissions as the zillah and city courts are authorized to grant for the examination of such witnesses upon similar occasions. And the Sudder Dewanny Adawlut may issue such commissions to creditable women, and send such letters to the provincial courts for the examination of witnesses, in the cases in which the Judges of the zillah and city courts are authorized to send such commissions and letters.

or direct their evidence to be taken by commission.

XVIII. If a witness duly summoned shall not attend, or attending shall refuse to be sworn or give evidence, or to subscribe his deposition, or if such witness, or any person shall be guilty of wilful or corrupt perjury in a cause depending in the court, or any contempt of court in open court, the Sudder Dewanny Adawlut are to proceed with such witness or person, in the same manner as the provincial courts are authorized to deal with witnesses or persons in like manner offending.

Sudder Dewanny Adawlut how to proceed where witnesses do not attend, or refuse to be sworn or to give evidence, or sign their depositions, or any persons are guilty of contempt of court or perjury.

XIX. If the appellant in an appeal filed in the Sudder Dewanny Adawlut shall not proceed in the appeal for six weeks, the appeal is to be dismissed, unless the appellant shall shew reasonable cause, to the satisfaction of the court, for not proceeding in it; and the court may, if they shall deem it equitable so to do, award to the respondent costs of suit. But in all such cases, the court are to enter at large upon their proceedings, the grounds upon which they may permit or refuse to allow the appellant to proceed.

Court to dismiss appeals if the appellants omit to proceed in them within six weeks, without shewing sufficient cause for the omission.

Reasons for the dismission of the appeal to be recorded.

XX. In such suits as by any Regulation may be authorized to be tried in the first instance before the Sudder Dewanny Adawlut, and in appeals that may be heard by that court, no proceedings are to be held, nor any acts whatever done, either on behalf of the plaintiff or defendant, or the appellant or respondent, excepting by the plaintiff or defendant, the appellant or respondent respectively, or by a Vakeel admitted to plead in the court under Regulation VII. 1793, nor by any Vakeel before his vakalutnamah shall have been filed in the court; and no persons excepting such parties or their witnesses, or such Vakeels, shall be heard *vivâ voce* in any stage in the cause.

No persons to be heard *vivâ voce* in any stage of a cause, excepting principals, their witnesses, or Vakeels duly empowered.

XXI. The Sudder Dewanny Adawlut is empowered, in every case in which a sum of money is decreed to be paid by a Zemindar, independent Talookdar, or other actual proprietor of land, to issue an order to the proper provincial court to execute the decree, in the same manner as the provincial courts are authorized to execute decrees by which a sum of money may be decreed to be paid by any of the descriptions of persons above-mentioned.

Sudder Dewanny Adawlut empowered to order the provincial courts to enforce decrees for sums of money against proprietors of land, by the same process as those courts may enforce such decrees passed by themselves.

XXII. If a petition of appeal shall be preferred against the decision of any provincial court of appeal founded on an award of arbitration, it is to be dismissed with costs, unless it be fully proved to the satisfaction of the court, by the oaths of two credible witnesses, that the arbitrators have been guilty of gross corruption or partiality in the cause in which they have made the award.

Petitions of appeal from decisions founded on awards of arbitration to be dismissed with costs.

Exception to the rule.

XXIII. The Sudder Dewanny Adawlut is empowered to permit the Judges of the provincial courts of appeal, and the zillah and city courts, to adjourn their respective courts occasionally for any period not exceeding one month, so that such adjournments collectively do not exceed two months in each year.

Court empowered to authorize the provincial, sillah, and city courts, to make occasional adjournments.

Sudder Dewanny Adawlut how to proceed against Zemindars, independent Talookdars, or other actual proprietors of land, or dependent Talookdars, who may resist their process.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

Decree to be passed if the offender shall not appear, or shall appear and be proved guilty of the charge.

A copy of the decree to be sent to the Governor General in Council.

If the lands are decreed forfeited, the Governor General in Council may confirm the decree, or commute the forfeiture for a fine, within four weeks after he may receive the decree.

If the forfeiture is commuted for a fine, how the amount is to be levied.

Decree of forfeiture to be final, if the Governor General in Council shall not order it to be executed, or commute it for a fine within four weeks.

If the decree is declared or becomes final, the court is to issue process to the Collector to sequester the lands.

XXIV. If a Zemindar, independent Talookdar, or other actual proprietor of land, or a dependent Talookdar, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from the Sudder Dewanny Adawlut, the court, on proof of the resistance being made by oath to their satisfaction, are to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed time, or if he shall appear, and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, it shall be proved, to the satisfaction of the court, that he is guilty of the charge, the court are to decree, that the offender shall, from the date of their decree, forfeit his zemindarry, talook, or other estate in which such resistance shall have been made; or if the resistance shall have been made out of the limits of the estate of the offender, the zemindarry, talook, or other landed property which he may possess within the jurisdiction of the zillah court, to which the execution of the process resisted may have been committed. The court is immediately to forward a copy of their decree and proceedings to the Governor General in Council. It shall be at the option of the Governor General in Council, within four weeks after the receipt of a decree adjudging the lands of any person forfeited under this section, either to order it to be executed, or to commute the forfeiture for such fine as, upon a consideration of the situation and circumstances in life of the offender, he may think adequate to the offence for which the decree may be passed. In the event of the Governor General in Council commuting the forfeiture for a fine, the court, upon receiving notice of the fine that he may impose, are to levy the amount of it by the same process by which they are directed to enforce their decrees. But if the Governor General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed or commute the forfeiture for a fine, the decree is to stand good against the offender. In such case, or in the event of the Governor General in Council ordering the decree to be executed, the court is to issue a precept, under the seal of the court and the signature of the Register, requiring the Collector of the Revenue of the zillah to depute an Aumeen with a proper establishment of officers (whose allowances are to be specified in the precept), to sequester the lands and collect the rents and revenues. If the lands of the defaulter shall be deemed by the court too inconsiderable to admit of their being charged with the expense of an Aumeen, they are to direct a precept to be issued to the Collector of the zillah, to order the nearest Tehseeldar, or other officer employed under him in the business of the collections, to take charge of the lands. The officer is to perform the duties prescribed to Aumeens in such cases, and under the same restrictions and penalties.

If the forfeiture should stand confirmed, the Governor General in Council may confer the estate on the heirs of the offender, or dispose of it at public sale.

XXV. If the decree adjudging the lands of the offender forfeited shall be confirmed or stand good under Section XXIV., it shall be at the option of the Governor General in Council, either to confer the rights which the offender possessed in the lands on his heirs, upon their agreeing to make good all sums whatever that may be due to Government from the offender on account of the lands forfeited, and to pay the fixed public revenue assessed upon them, or, if it be a dependent talook, the revenue payable from it to the proprietor within whose estate it may be situated; or to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited in Regulation XLV. 1793.

Sudder Dewanny Adawlut how to proceed against persons holding farms of Government, who may resist their process.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

Decree to be passed by the court, if the offender shall not appear, or shall appear and be proved guilty of the charge.

A copy of the decree to be sent to the Governor General in Council.

Option reserved to the Governor General in Council to confirm the decree or commute it for a fine, and to compel the farmer to perform the conditions of his lease.

How such fines are to be levied.

If the lease of the offender should be annulled, how balances due from him are to be recovered.

Farmers whose leases may be cancelled how to recover balances.

XXVI. If a farmer of land, holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from the Sudder Dewanny Adawlut, the court, on proof of the resistance being made by oath to their satisfaction, are to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house or building, or retire to any place so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or if he shall appear within the limited time, and after receiving his answer to the charge, and hearing the evidence which he may have to produce in his defence, it shall be proved to the satisfaction of the court, that he is guilty of the charge, the court is to decree the lease cancelled from the expiration of the Bengal, Fussily, or Willaity year (according as the farm may be situated in Bengal, Behar, or Orissa) in which the decree may be passed. The Sudder Dewanny Adawlut is immediately to forward a copy of the decree and proceedings to the Governor General in Council. It shall be at the option of the Governor General in Council, within four weeks after the receipt of a decree adjudging the lease of a farmer annulled under this section, either to order the decree to be executed, or to commute the forfeiture of the lease for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed; or if the offender shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements until the term of them shall expire. If a fine shall be imposed upon the offender, the court, upon receiving notice of the fine, is to levy the amount of it by the same process as is prescribed for enforcing decrees of the court. But if the Governor General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed, or commute the forfeiture of the lease for a fine, the decree is to stand good against the offender, and the court is without delay to cause a copy of the decree to be sent to the Collector. If the lease of the offender shall be annulled, and a balance should be due from him to Government at the close of the year in which the lease may be cancelled, both he and his surety are to be held responsible for the payment of it, and the Collector of the Revenue of the zillah is empowered to proceed against them for the recovery of it, in the manner prescribed in Section XX., Regulation XIV. 1793, for the recovery of balances due from farmers whose leases may be declared annulled under that Regulation. The offender is permitted to prosecute in the Dewanny Adawlut of the zillah in which the farm may be situated, the dependent Talookdars, under-farmers, and Ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Court how to proceed against persons resisting process, who are not proprietors of land, Talookdars, or farmers.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

XXVII. If any person, not being a Zemindar, independent Talookdar, or other actual proprietor of land, or a dependent Talookdar, or a farmer of land holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from the Sudder Dewanny Adawlut, the court, on proof of the resistance being made by oath to its satisfaction, is to cause the offender to be summoned to answer to the charge. If the person for whom the summons may be issued shall abscond, or shut himself up in his own, or any house or building, or retire to any place so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or if he shall appear within the limited time, and after receiving his answer, and hearing the evidence which he may have to produce in his defence, it shall be proved to the satisfaction of the court that he is guilty of the charge, the court is to adjudge the offender to pay such fine to Government as may appear to it proper, upon a consideration of his situation and circumstances in life, and the offence for which the decree may be passed.

How the court is to enforce payment of the fine.

The court is to proceed to levy the amount by the same process by which it is empowered to carry its decrees for sums of money into execution.

Proceedings of the Sudder Dewanny Adawlut how to be numbered, marked, dated, and signed.

XXVIII. The petition of appeal, pleadings, depositions, and exhibits in the Sudder Dewanny Adawlut, are to be numbered, marked, dated, and signed by the Register, in the same manner as the complaint, pleadings, depositions, and exhibits are ordered to be numbered, marked, dated, and signed by the Register in the zillah and city courts.

Decrees to be signed by the Judges and attested by the Register, and copies to be delivered to the parties.

The decrees are to be signed by the Judges present in the court when the decrees may be passed, and attested by the Register, and copies, so signed and attested, are to be delivered to the parties.

Decrees of the Sudder Dewanny Adawlut are to be final.

XXIX. The decrees of the Sudder Dewanny Adawlut are to be final in all suits whatever.

Provincial courts to furnish translates of papers in the country languages, which they may transmit to the Sudder Dewanny Adawlut.

XXX. The provincial courts are to furnish the Sudder Dewanny Adawlut with translates of all papers written in the country languages which they may transmit to the court, whether relating to causes appealed or other matters.

Court how to act in cases for which no rule may exist.

XXXI. In cases for which no specific rules may exist, the Sudder Dewanny Adawlut is to act according to justice, equity, and good conscience.

A. D. 1793. REGULATION VII.

A Regulation *for the Appointment of Vakeels or Native Pleaders, in the Courts of Civil Judicature in the Provinces of Bengal, Behar, and Orissa:* Passed *by the Governor General in Council on the* 1st *May* 1793 *(corresponding with the* 21st *Bysaak,* 1200 *Bengal era; the* 6th *Bysaak,* 1200 *Fussily; the* 21st *Bysaak,* 1200 *Willaity; the* 6th *Bysaak,* 1850 *Sumbut; and the* 19th *Ramzaan,* 1207 *Higeree).*

I. In the courts of civil judicature in the British territories in Bengal, the parties in suits have hitherto had the option of pleading their causes in person, or appointing such Vakeels or agents for that purpose as they have thought proper. The generality of these Vakeels have been either private servants or dependants of the parties deputed to plead the particular cause in which their employers were engaged, or men who followed the business of a Vakeel to obtain a livelihood, and appeared in the courts of justice or wherever the concerns of their constituents required their attendance. The Vakeels of the first description were for the most part necessarily unacquainted with the constitution and forms of the courts. They were consequently exposed to the intrigues of the ministerial officers, who not only harassed and extorted money from them, by an abuse of authority in the execution of the common process of the courts, but often impressed them with an idea that it was in their power to influence the decision of the Judges, and converted the deception to their private advantage. These Vakeels being unaccustomed to judicial proceedings, protracted the trials by producing unnecessary exhibits, stating irrelevant questions to the witnesses, and summoning persons to give evidence whose testimony was unessential to the development of the merits of the case. The very slight knowledge which they in general possessed of the Mahomedan or Hindoo law, and their still more limited acquaintance with the Regulations passed by the British Government (upon which the security of the persons and property of the inhabitants of these provinces chiefly depends), rendered them incapable of urging the best arguments in support of the claims of their constituents, or of judging whether the decisions and proceedings of the courts were conformable to the laws and Regulations, or otherwise. The Vakeels of the second description, although better acquainted with the practice of the courts than the first, were equally unfit for their situations. They assumed and relinquished the occupation without apprizing the courts in which they acted. When they appeared in the capacity of Vakeels, no inquiries were made to ascertain whether they were qualified for the employment; nor were there any rules prescribed as a security to their constituents for the diligent and faithful performance of their trusts. Equally with the first description of Vakeels, they were little versed in the laws and Regulations of the country; and not having the protection of a public character, and their situations in the court not being defined by any Regulations of Government, they were subject in the same degree to the intrigues and assumed influence of the ministerial officers of the courts, and unable to protect their employers from oppression and exaction. On the other hand, the allowances of these Vakeels not being fixed by any public

Regulations, and as they were generally entertained upon a fixed salary, their demands were frequently exorbitant, and when engaged it became their interest to protract, instead of expedite the decision of the suit, as their salary ceased with the termination of it. Pleaders of the above descriptions not only rendered a speedy and impartial administration of the law impracticable, but were at all times liable to be made the cloaks to intrigue and injustice. To establish security of property, and protect individuals in the enjoyment of the privileges and immunities which have been granted to them, many Regulations must necessarily be enacted. The great body of the people, although they will feel the benefit of their operation, must necessarily be precluded, by their pursuits and occupations in life, from attending the courts of justice, or acquiring a sufficient knowledge of the laws and Regulations to qualify them for pleading their own causes. It is therefore indispensably necessary for enabling the courts duly to administer, and the suitors to obtain justice, that the pleading of causes should be made a distinct profession; and that no persons should be admitted to plead in the courts but men of character and education, versed in the Mahomedan or Hindoo law and in the Regulations passed by the British Government, and that they should be subjected to rules and restrictions calculated to secure to their clients a diligent and faithful discharge of their trusts. Pleaders of this description will urge the best arguments for and against every claim, and it is essential to the due administration of justice that such arguments should be offered to the Judges. Their judgment cannot then often err, and when it does, the error will be invariably pointed out to the higher courts. The pleaders therefore, on either side, whilst they will bring the merits of every case to light, and collect into one point of view the information necessary to enable the courts to form their opinion upon it, will be a check upon them by exposing every deviation from the law in their judgments. As individuals will in general commit the management of their suits to the pleaders who may be best qualified to plead them, the parties in suits should have the option of employing such of the pleaders as they may think proper; and as an additional security for the zeal and fidelity of the pleaders, the parties ought to have the power of withdrawing the management of their causes from the pleaders whom they may entertain, whenever they may be dissatisfied with their conduct. The advantages of the pleaders will then be proportionate to their zeal, abilities, and integrity, at the same time that their exertions to acquire reputation and emolument will necessarily conduce to the improvement of the judicial system. That the pleaders may not be deterred from pleading the causes of their clients with becoming freedom, and that men of education and respectable character may be solicitous to be admitted as pleaders in the courts, their appointments ought to be secured to them as long as they conform to the Regulations under which they act; and they should not be removable until they have been proved guilty of a breach of those Regulations, to the satisfaction of the Sudder Dewanny Adawlut. By the erection of tribunals constituted upon the principles of the courts of justice established under the Regulations passed on this date, and confining the pleading of suits to persons possessing the qualifications and acting under the rules and restrictions hereafter enacted, individuals will be satisfied that personal solicitation and intrigue (the necessary result of a want of courts constituted upon such principles as to enable persons of every description to procure a speedy and impartial administration of the law), is not requisite either to obtain their own rights, or to defend themselves from oppression or the unjust claims of others. They will feel that they have an impartial and all-powerful protector in the laws, and that, through the means of the public pleaders, they can at all times command the exercise of the judicial powers of Government lodged in the courts, for the redress of any injuries which they may sustain either in their persons or property.

Sudder Dewanny Adawlut empowered to appoint a sufficient number of pleaders to plead the causes in the civil courts of judicature.

II. The Sudder Dewanny Adawlut is empowered to appoint, from time to time, such a number of pleaders, of the Mahomedan or Hindoo persuasion, as may appear to them necessary to plead the causes of the parties in suits in the Sudder Dewanny Adawlut, the provincial courts of appeal, and the courts of Dewanny Adawlut in the several zillahs, and the cities of Patna, Dacca, and Moorshedabad.

Sunnud to be granted to pleaders.

III. The Sudder Dewanny Adawlut is to cause a writing, under the seal of the court and attested by the Register, to be delivered to each of the persons whom they may admit as pleaders in the several courts, specifying the name of the pleader, the date of his appointment, and the court in which he may be admitted, and empowering him to plead in it under the rules contained in this Regulation, or such other Regulations as the Governor General in Council may hereafter enact.

Oath to be taken by pleaders upon their first admission.

IV. Every pleader, previous to his being allowed to practice, is to take and subscribe the following oath before the court in which he may be admitted.

Half-yearly oath to be taken by the Mahomedan pleaders.

" I, A. B., solemnly swear, that I will truly and faithfully execute the " duties of pleader of the Sudder Dewanny Adawlut (or the provincial court " of appeal for the division of ...., or the Dewanny Adawlut of the " zillah or city of ....), to the best of my knowledge and judgment."

And every six months, that is, on the 1st of January and the 1st of July in each year, the Mahomedan pleaders of the several courts are to take and subscribe the following oath, before the court in which they may respectively practice.

" I, A. B., solemnly swear, that from the 1st January to the 30th June " last (or from the 1st July to the 31st December last), I have truly and " faithfully executed the duties of pleader in the Sudder Dewanny Adawlut " (or the provincial court of appeal for the division of ...., or the " Dewanny Adawlut of the zillah or city of ....), to the best of my " knowledge and judgment."

What descriptions of persons are to be selected for pleaders.

V. The pleaders are to be selected from amongst the students in the Mahomedan college at Calcutta and the Hindoo college at Benares, who may be qualified and be desirous of being admitted to plead in any of the courts. If the colleges shall not furnish a sufficient number of pleaders, the Sudder Dewanny Adawlut is to admit any other persons, provided they be Mahomedans or Hindoos; previously, however, ascertaining that they are men of good character and liberal education, and giving a preference, in all cases, to persons of this description who have been bred to the study of the Hindoo or Mahomedan law.

VI. That

A copy of all Regulations, with the translations, to be for public inspection in the courts.

VI. That the pleaders in the several courts, as well as all other persons, may have it in their power to render themselves acquainted with the Regulations enacted by the British Government, there shall be kept for public inspection in the several courts of judicature in Bengal, Behar, and Orissa, printed copies of all such Regulations, with translates in the Persian and Bengal languages, bound up with an index, as directed in Section XI. Regulation XLI. 1793. Until the Regulations that may be passed in each year are so bound up, the separate copies of each Regulation, with the translates, as they may be printed and circulated to the courts, are to be exposed as above directed. The Regulations are to be deposited upon a table, to be expressly allotted for that purpose in some part of the court room, and to lie for public inspection every day, Sunday excepted, from the hour of nine in the morning until three in the afternoon, and during that time the pleaders of the courts, and all other persons, are to be at liberty to refer to the Regulations, or take copies or extracts from them in the court room.

Four annas to be presented to a pleader as a retainer.

Pleaders receiving a retainer, and not carrying on the suit, to be dismissed.

VII. Upon a pleader agreeing to undertake the prosecution or defence of a suit, the party entertaining him is to present him with four annas as a retainer, which is to preclude him from being employed in the same cause against the person so retaining him. The pleader, immediately upon receiving the retainer, is to give a written acknowledgment for it, specifying the date on which it may be delivered to him. If any pleader shall receive such retaining fee, and afterwards refuse or omit to carry on the suit of his client, he shall be dismissed from his office. The retainer is to be exclusive of the fees specified in Section IX.

Parties to execute vakalutnamahs to their pleaders, vesting them with the powers herein mentioned.

How to be signed, sealed, and attested.

VIII. When a party in a cause shall have retained a pleader, and taken his receipt for the retainer, he is to execute to him a vakalutnamah constituting him pleader in the cause, and authorizing him to prosecute or defend the plaint or appeal (according as the party may be plaintiff or appellant, defendant or respondent) and binding himself to abide by and confirm all acts, which such pleader may do or undertake in his behalf in the cause, in the same manner as if he had been personally present and consenting. The party is to sign the instrument with his name, or put his mark to it (if he shall be unable to write his name), and (if he shall have a seal) affix his seal to it, in the presence of two credible witnesses, who are likewise to attest it in the same manner.

Fees to be allowed to pleaders in the zillah and city courts, the provincial courts of appeal, and the Sudder Dewanny Adawlut.

IX. The pleaders of plaintiffs and defendants in the zillah or city courts, and of appellants and respondents in the provincial courts of appeal and the Sudder Dewanny Adawlut, are to be allowed, as fees for pleading the causes of their clients, the following per-centage on the sum of money or the value of any personal property, which may constitute the subject of the suit:

On suits for money or personal property.

On sums not exceeding	One thousand Sicca Rupees	Five	per cent.
	Five thousand	Four	
	Ten thousand	Three	
	Twenty-five thousand	Two	
	Fifty thousand	One	
	One Lack	Three-quarters	
On sums above	A Lack	One half	

The pleaders are to receive the above fees on the amount of the annual jumma payable

On suits for land subject to the payment of public revenue, and on land exempt from the payment of public revenue, and on tanks, gardens, or other real property, not being land of the two descriptions above-mentioned.

To whom the fees of the pleaders and other costs of suits are to be ultimately charged.

payable to Government, if the suit be for land subject to the payment of public revenue; and if it be for land held exempt from the payment of public revenue, on the amount of the annual produce. If the suit shall be for a house, tank, garden, or other real property, not being land of the two descriptions above-mentioned, the pleaders are to receive as fees the above per-centage on the estimated value of it. If the decree shall be given against the defendant or respondent, and the whole of the money or property which may be demanded by the plaintiff or appellant shall be decreed to him, a sum equal to the whole of the fees of his pleader shall be adjudged to the plaintiff or appellant, in addition to the costs which may be awarded to him. But if only a part of the money or property claimed is decreed to the plaintiff or appellant, a sum bearing the same proportion to the annual produce, if that part be land held exempt from the payment of public revenue, or to the annual public revenue, if that part be land subject to the payment of revenue to Government, or if that part be money or some specific thing, to the money or value of the thing decreed, as the fee did to the demand laid in the complaint or appeal, is to be decreed and added to the costs which may be awarded to the plaintiff or appellant; and the sum so added is to be recovered from the defendant or respondent, together with the fees of his own pleader, in the same manner as all other sums which may be decreed are ordered to be recovered. If the suit of the plaintiff or appellant shall be dismissed, whether upon an investigation of the merits of it or otherwise, and a decree shall be accordingly given against him, he is to pay his own costs and the fees of his pleader, and the fees of the pleader of the defendant or respondent, and such costs as the court may think proper to award to him: and the court is to levy the sum which may be so adjudged to be paid by the plaintiff or appellant, in the same manner as all other sums decreed by the court are ordered to be recovered. The Judges of the zillah courts, the provincial courts of appeal, and the Sudder Dewanny Adawlut, are enjoined to make it an invariable rule to insert in their decrees all sums paid or payable by the parties, on account of the costs or expenses of the suit, whether for fees to pleaders, compensations to witnesses, subsistence money to Peons deputed to serve summonses, or other account; and the parties are not to be liable to the payment of any costs or expenses, excepting such as may be inserted in the decree. But no suit whatever shall be received in any zillah or city court, nor in any provincial court of appeal, nor in the Sudder Dewanny Adawlut, until the complainant or appellant shall have given good security for the payment of the fees of the pleaders whom he may employ. Upon his giving such security, the suit is to be received, and process is to be issued against the defendant or respondent, who is likewise to be required to give security for the payment of the fees of the pleader whom he may entertain, in addition to any other security which may be required from him for the performance of the decrees or orders of the court.

Courts enjoined to insert in their decrees all costs and expenses paid or payable by the parties.

Fees of pleaders not payable until a decision in the cause is passed.

X. The fees of the pleaders are to be payable upon a decision being passed in the cause, whether upon an investigation of its merits or otherwise, and not before. The fees are then to be forthwith levied by the court from the parties by whom the decision may declare them payable; nor shall the execution of the part of the decision of the zillah courts, or the provincial courts of appeal, which may relate to the payment of the fees of the pleaders be stayed or postponed, in consequence of an appeal being preferred from the decision, or on any enforced, are to be considered as paid for by the fee allowed to the pleaders in the above-mentioned section; and the pleaders in the several courts are required to make all such motions, and do all such acts as their clients may require relating to any suit in which they may have received fees, after a decision shall have been passed, and until the suit shall be settled and the final judgment be enforced.

Pleaders are to give receipts for all papers that may be entrusted to them by their clients

XV. Pleaders are to give written receipts for all accounts, writings, or documents, that may be delivered to them by their clients in the course of any process or suit. If a pleader shall refuse to return such accounts, documents, or writings, although some of them should concern him principally, the court, upon a petition being presented to them for that purpose by the owner of the papers withheld, is to cause them to be restored.

Pleaders guilty of disrespect to the court liable to be fined.

Fine how to be levied.

XVI. If a pleader shall be guilty of disrespect to the court in open court, the court is empowered to impose a fine upon him not exceeding one hundred rupees, and to levy the amount by deducting it out of the fees that may become due to the offender, or by the process which is prescribed for enforcing decrees of the court.

Pleaders convicted of litigiousness, frauds, or gross misbehaviour, to be suspended by the court to which they may be attached.

Court to report the suspension within a month to the Sudder Dewanny Adawlut.

Sudder Dewanny Adawlut to fine such pleader or not, and restore or dismiss him, as they may judge proper.

XVII. Pleaders convicted of promoting and encouraging litigious suits, or of frauds, or of gross misbehaviour, although not relating to any cause in which they may be concerned, are to be suspended. The court is to report the grounds of the suspension, within a month after it shall have taken place, to the Sudder Dewanny Adawlut, which court is either to fine such pleader or not, and allow him to resume his practice or dismiss him from his office, according as they may think proper upon a consideration of the circumstances of the case.

Pleaders wilfully delaying the suit of their clients liable to a prosecution, and to dismission by the Sudder Dewanny Adawlut.

XVIII. If a pleader shall wilfully delay the suit of his principal for his own advantage, he is to be liable to be prosecuted by him for damages; and if he shall be convicted, the Judge is to suspend him, and report the circumstances to the Sudder Dewanny Adawlut, which court, provided the charge be proved to their satisfaction, is to dismiss the offender from his office.

Pleaders not to receive any fee or reward whatever not authorized by the Regulations,

under pain of being suspended by the court to which they may be attached, and dismissed.

XIX. Pleaders are not to demand or accept from their clients any fee or sum of money, or any goods or effects, or valuable consideration, for pleading their causes, besides the fees that they are or may be expressly authorized to demand and receive by this Regulation, or such Regulations as may be hereafter enacted. If a pleader shall be convicted before the court to which he may be attached, of acting contrary to the prohibition contained in this section, the court is to suspend him from the exercise of his functions, and report the circumstances to the Sudder Dewanny Adawlut, which court, if there shall appear to it sufficient cause for so doing, is to dismiss the offender from his office.

Pleaders of the same court to be allowed to act for each other, in the cases, and under the provision herein specified.

XX. In case of the temporary absence of a pleader from indisposition or other cause, the court may permit any other pleader of the court to act for such absent pleader, in any cause or causes in which he may be engaged; provided the parties by whom such absent pleader may have been entertained shall give their consent, by a writing under their seal and signature and attested by two credible witnesses, to be filed in court.

Pleaders in one court not to be allowed to act in another, without the orders of the Sudder Dewanny Adawlut.

XXI. The Vakeels attached to one court are not to be allowed to plead in any other court, without the sanction of the Sudder Dewanny Adawlut.

No pleader to be dismissed from his office but for incapacity or misconduct, proved to the satisfaction of the Sudder Dewanny Adawlut.

XXII. No pleader is to be dismissed from his office, but for incapacity or misconduct in the discharge of his public duty, or gross profligacy or misbehaviour in his private conduct, proved to the satisfaction of the Sudder Dewanny Adawlut. In cases in which it shall be proved, to the satisfaction of any of the provincial courts of appeal or the zillah or city courts, that any pleader attached to their respective courts is unqualified for his office from incapacity, or that he has committed any act which subjects him to dismission from his office, the court is to suspend such pleader from the exercise of his functions, and to certify all the papers and proceedings relating to the case to the Sudder Dewanny Adawlut, and wait the orders of that court.

Sudder Dewanny Adawlut to appoint pleaders in the several courts to plead for Government, in suits which may be directed to be carried on at the public expense.

XXIII. The Sudder Dewanny Adawlut is to appoint one, two, or more of the authorized pleaders in the Sudder Dewanny Adawlut, the provincial courts of appeal, and the courts of Dewanny Adawlut in the several zillahs, and the cities of Patna, Dacca, and Moorshedabad, to prosecute any suits in those courts, respectively, which may be directed to be carried on at the public expense, by any Regulation, or by a special order from the Governor General in Council.

Oath to be taken by pleaders of Government, upon their appointment, and every six months.

XXIV. Every person who may be appointed a pleader for Government in any of the courts of judicature, is to take and subscribe the following oath before the court in which he may be appointed to plead:

"I, A.B., solemnly swear, that I will execute the duties of pleader for
"Government in the court of Sudder Dewanny Adawlut (or the provincial
"court of appeal for the division of ...., or the Dewanny Adawlut of
"the city or zillah of ....,) to the best of my knowledge and judgment."

And every six months, viz. on the 1st of January and the 1st of July in each year, the pleaders for Government who may be Mahomedans are to take and subscribe the following oath before the court to which they may be respectively attached:

"I, A.B., solemnly swear, that from the 1st January to the 30th June last
"(or from the 1st July to the 31st December last), I have truly and faithfully
"executed the duties of pleader for Government in the Sudder Dewanny
"Adawlut (or the provincial court of appeal for the division of ...., or
"the Dewanny Adawlut of the zillah or city of ....), to the best of my
"knowledge and judgment."

Sunnud of office to be granted to the pleaders for Government.

XXV. The Sudder Dewanny Adawlut is to cause a sunnud, under the seal of the court and attested by the Register, to be delivered to each of the pleaders for Government, in which shall be specified the name of the pleader, the date of his appointment, and the court in which he is to plead, and empowering him to plead therein under the rules contained in this Regulation, or such other Regulations as the Governor General in Council may hereafter enact.

What is to be considered as authority to the pleaders of Government to plead a cause.

XXVI. The pleaders for Government are to undertake all causes which they may be directed to plead by orders from Government, or that may be directed by any Regulation to be carried on at the public expense, upon receiving a special order for that purpose immediately from the Governor General in Council, or from any officer or officers empowered by any Regulation to superintend such suits, and furnish them with instructions for the conduct of them. The order of Government, or of such officer or officers, is to be filed in the court, as the authority for the pleader to plead the cause, and to form a part of the record of the proceedings.

XXVII. The pleaders for Government are not to advise, or be concerned, directly or indirectly, on behalf of the opponents of Government, in suits that are directed to be carried on at the public expense. In all other suits, the pleaders for Government are to be at liberty to plead for either of the parties, in the same manner as the other pleaders of the court.

Pleaders for Government not to plead or be concerned against Government.

Pleaders for Government at liberty to engage on either side, when Government is not a party.

XXVIII. The pleaders for Government are to be paid the same fees, in causes directed to be pleaded at the public expense, as pleaders employed in causes between individuals, and under the same rules and restrictions.

Pleaders for Government to be paid the same fees for pleading suits carried on at the public expense, as are allowed to pleaders pleading for individuals.

XXIX. In pleading suits directed to be carried on at the public expense, the pleaders for Government are to be subject to all the rules prescribed to them when pleading on behalf of individuals, excepting in matters or cases in which it may be otherwise specially directed by any Regulation.

Pleaders pleading for Government to be subject to all the rules prescribed to pleaders pleading for individuals, except where it may be otherwise expressly directed.

XXX. A party in a suit who may be dissatisfied with the conduct of his pleader, is to be at liberty, at any stage of the trial previous to the passing of the decision, to withdraw the powers delegated to him, and to appoint another pleader to plead the cause. The party is, in such case, to present a petition to the court, notifying that he has withdrawn the management of his suit from such pleader, and to file a vakalutnamah in the name of the pleader whom he may appoint to carry on the suit. All acts done or performed by the dismissed pleader on the part of his client, are to be held equally valid as if he had been continued as pleader in the cause.

Parties in a suit permitted to change their pleaders during the time that the cause may be depending, under the restrictions herein specified.

XXXI. The parties in a cause are to be at liberty to prosecute the pleaders whom they may have employed for any breach of this Regulation, and for any fraudulent or bad practices regarding the suit.

Pleaders liable to prosecution by their clients for fraudulent or bad practices in their suits.

XXXII. If a pleader shall be unable to attend the court from indisposition, he is to notify it in writing to the Register of the court; and if any cause in which such pleader may be engaged shall come on before the court on the day on which he may be absent, the hearing of the cause is to be postponed to a future day, unless the absent pleader, with the consent of his client, shall commit the management of the cause to any other pleader of the court. If a cause in which a pleader may be engaged shall be brought on, or the court shall have occasion to make any inquiries from him respecting it, and the pleader shall not be present in court, and his absence shall not be occasioned by indisposition, or if it shall have proceeded from indisposition, and he shall have omitted to notify his inability to attend to the Register, the court shall fine him for the first offence fifty rupees, for the second, one hundred rupees, and for the third, he shall be dismissed from his office. The fines which may be imposed in the above cases are to be levied in the same manner as the fines mentioned in Section XVI.

Pleaders not to absent themselves but in case of indisposition, which is to be notified in writing to the Register.

Hearing of causes in which pleaders so absent are engaged, to be postponed, unless another pleader shall be appointed to plead them.

Punishment for pleaders guilty of a breach of this rule.

XXXIII. No part of this Regulation is to be construed to prohibit, or prevent, any individual from appearing and pleading his own cause in person in any of the courts of civil judicature, without employing a public pleader.

Individuals to have the option of pleading their causes in person, without employing a public pleader.

A.D. 1793. REGULATION VIII.

A REGULATION *for re-enacting, with Modifications and Amendments, the Rules for the decennial Settlement of the public Revenue payable from the Lands of the Zemindars, independent Talookdars, and other actual Proprietors of Land, in Bengal, Behar, and Orissa, passed for those Provinces, respectively, on the 18th September 1789, the 25th November 1789, and the 10th February 1790, and subsequent dates:* PASSED *by the Governor General in Council on the 1st May 1793 (corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree).*

I. THE original rules for forming a decennial settlement of the revenue to be paid from the lands in Bengal, Behar, and Orissa, passed for those provinces, respectively, on the 18th September 1789, 25th November 1789, and 10th February 1790, having undergone considerable alterations during the progress of the arrangement, an amended code of rules, including the original rules and the subsequent alterations, was passed on the 23d November 1791. That code is now re-enacted, with modifications and amendments adapted to the principles of Regulations II. and III. 1793, by which the judicial powers heretofore vested in the Collectors of the Revenue, as superintendents of the late courts of Maal Adawlut, or revenue courts, are transferred to the courts of Dewanny Adawlut, or courts of civil judicature, established in the several zillahs and cities for the trial of all civil suits in the first instance.

Term of settlement to be for ten years, commencing with the Fussily, Willaity, and Bengal years, 1197.

II. A new settlement of the land revenue shall be concluded for a period of ten years, to commence with the Fussily, Willaity, and Bengal year 1197, for Behar, Orissa, and Bengal, respectively.

Proprietors to be informed, it will be perpetual with the approbation of the Court of Directors, but not otherwise.

III. It shall be at the same time notified to the proprietors of land with whom the settlement may be concluded, that the assessment fixed by the decennial settlement will be continued after the expiration of the ten years, and remain unalterable for ever, provided such continuance shall meet with the approbation of the Honourable Court of Directors, but not otherwise.

Settlement, under certain restrictions, to be concluded with the actual proprietors of the soil.

IV. The settlement, under certain restrictions and exceptions hereafter specified, shall be concluded with the actual proprietors of the soil, of whatever denomination, whether Zemindars, Talookdars, or Chowdries.

What descriptions of Talookdars are to be considered the actual proprietors of the lands composing their talooks.

V. *First.* The Talookdars to be considered the actual proprietors of the lands composing their talooks are the following:

Proprietors of talooks obtained by purchase, or gift;

Second. Talookdars who purchased their lands by private or at public sale, or obtained them by gift from the Zemindar or other actual proprietor of land to whom they now pay the revenue assessed upon their talooks, or from his ancestors, subject to the payment of the established dues of Government, and who received deeds of sale, or gift of such land, from the Zemindar, or sunnuds from the khalsa, making over to them his proprietary rights therein.

or which existed before the commencement of the

Third. Talookdars, whose talooks were formed before the Zemindar, or other actual proprietor of land to whom they now pay their revenue, or his ancestors, succeeded to the zemindarry.

family of the Zemindar to whom the revenue is paid;

Fourth. Talookdars, the lands comprised in whose talooks were never the property of the Zemindar, or other actual proprietor of the soil to whom they now pay their revenue, or his ancestors.

or which never formed a part of the zemindarry;

Fifth. Talookdars who have succeeded to talooks of the nature of those described in the preceding clauses, by right of purchase, gift, or inheritance, from the former proprietors of such talooks.

and persons who have suceeded to any of the above-mentioned descriptions of talooks.

VI. The proprietors of talooks, however, who now pay the public revenue assessed upon their lands through a Zemindar, or other actual proprietor of land, and whose title deeds contain a clause stipulating that their revenue is to be paid through him, shall continue to pay their revenue through such Zemindar, or other actual proprietor of land, as heretofore.

Description of proprietors of talooks who are to continue to pay their revenue through an actual proprietor, as heretofore.

VII. Talookdars, whose talooks are held under writings or sunnuds from Zemindars, or other actual proprietors of lands, which do not expressly transfer the property in the soil, but only entitle the Talookdar to possession so long as he continues to discharge the rent or perform the conditions stipulated therein, are considered as leaseholders only, not actual proprietors of the soil, and consequently are not entitled to be rendered independent of the Zemindar, or other actual proprietor of land, from whom they derive their tenures, provided they now pay the rent assessed upon their talooks to him.

What Talookdars are to be considered as leaseholders only, and not entitled to be rendered independent.

VIII. Talookdars, also, whose tenure is denominated jungleboory, and is of the following description, are not considered entitled to separation from the proprietors of whom they hold. The pottahs granted to these Talookdars, in consideration of the grantee clearing away the jungle and bringing the land into a productive state, give it to him and his heirs in perpetuity, with the right of disposing of it either by sale or gift, exempting him from payment of revenue for a certain term, and at the expiration of it subjecting him to a specific assul jumma,[1] with all increases, abwabs, and mhatoots imposed on the purgunnah generally; but this for such part of the land only as the grantee brings into a state of cultivation: and the grantee is further subject to the payment of a certain specified portion of all complimentary presents and fees, which he may receive from his under-tenants, exclusive of the fixed revenue. The pottah specifies the boundaries of the land granted, but not the quantity of it, until it is brought into cultivation.

Jungleboory Talookdars herein described not entitled to separation from the proprietors.

IX. The rules in Section V, respecting talooks, have also been extended to ayma lands liable to the payment of a fixed quit revenue, denominated malguzarry aymas; and, agreeably to the distinctions laid down in that section, it has been ordered, that such malguzarry ayma tenures as are held under grants of the Mahomedan Government previous to the Company's accession to the Dewanny, or which have been since granted by proprietors of estates for a consideration received by them, are to be separated from the proprietors to whom their revenue is now paid, as coming within the spirit of the rules for the separation of Talookdars, who are proprietors of the lands composing their talooks. But malguzarry ayma tenures which may appear to have been *bonâ fide* granted for the purpose of bringing waste lands into cultivation, shall continue

Proprietors of malguzarry ayma lands herein described entitled to separation, in the same manner as the proprietors of independent talooks.

What malguzarry ayma lands shall not be separated.

included in the estates to which they are now annexed, as coming within the rules in Section VIII, respecting jungleboory talooks.

Rules pointed out for the guidance of Collectors in carrying into execution the orders relative to the separation of Talookdars.

X. The rules contained in the following section have been prescribed for the guidance of the Collectors, in carrying into execution the rules relative to the separation of Talookdars, who are the actual proprietors of the lands composing their talooks and are declared entitled to separation.

XI. Every Talookdar being considered as the rightful possessor of his talook, until a better title is established against him by due course of law, the point to be ascertained by the Collectors, in carrying the above-mentioned orders into effect, is not whether the holders of the several talooks under their authority are the lawful possessors of the talooks held by them, but whether the nature of their tenure is such as to entitle them to separation, under the rules contained in Sections V. and IX.; to ascertain which, they are to call upon the Talookdars to produce their title deeds, and after having examined them, are to separate from the jurisdiction of the Zemindars, or other actual proprietors of estates, those who may appear to them to be actual proprietors of the lands composing their talooks, as described in those sections, continuing the remainder under the Zemindars, or other actual proprietors, as heretofore. If a Talookdar should have no title deeds to produce, the Collector is to make a summary inquiry into his right to separation, and after attending to such proofs and documents as may be produced by the Talookdar in support of his title to separation, and by the Zemindar, or other actual proprietor, in objection thereto, is to decide, according to the best of his judgment, whether such Talookdar be entitled to separation or not, and conclude the settlement accordingly.

To examine the title deeds of Talookdars, and separate from the jurisdiction of the Zemindars, &c. such as may appear to be the actual proprietors of their talooks.

How to proceed in the event of a Talookdar having no title deeds to produce.

Talookdars adjudged not to be proprietors of the soil, are at liberty, if dissatisfied, to sue the Zemindars, &c. in the court of Dewanny Adawlut, for the right of property in their talooks.

XII. The Collectors are to acquaint the Talookdars whom they may adjudge not to be actual proprietors of the lands composing their talooks, and consequently continue under the Zemindars, or other actual proprietors, as heretofore, that if dissatisfied with their decision, they are at liberty to sue such Zemindars, or actual proprietors of land, in the court of Dewanny Adawlut of the zillah, for the right of property in their talooks; and that, in the event of their establishing such right, they will be separated from such Zemindars, or other actual proprietors, and allowed to pay the revenue assessed upon their talooks to the public treasury. They are also to acquaint the Zemindars, or other actual proprietors, from whose estates talooks may be separated, and who may be dissatisfied with such separation, on the grounds of the holders of such talooks not being the actual proprietors of them, and consequently not entitled to separation under Sections V. and IX., that they are at liberty to sue such Talookdars in the court of Dewanny Adawlut, for the right of property in their talooks, and that, in the event of their establishing such right, the talooks will be replaced under them as heretofore. The right of property in every talook, in cases where it may be disputed, will thus be tried and decided upon according to law, in the court of Dewanny Adawlut of the zillah, and either party dissatisfied with the decision of the Judge will have an appeal therefrom to the provincial court of appeal, and from the decision of that court to the Sudder Dewanny Adawlut, in cases that may be appealable to the last-mentioned court.

Zemindars, &c., dissatisfied with the separation of talooks from their estates, are at liberty to sue the holders of such talooks in the court of Dewanny Adawlut, for the right of property in them.

Either party dissatisfied with the decision of the Judge will have an appeal to the Sudder Dewanny Adawlut, agreeably to the judicial regulations.

Order for the separation of independent talooks to be considered as positive.

XIII. Talookdars ordered to be separated are not to be permitted to pay the revenue assessed upon their lands through the Zemindars, or other actual proprietors of estates, as heretofore.

Separated Talookdars to pay their revenue immediately into the Collector's treasury; except in particular cases, in which Tehseeldars are to be appointed to receive it.

XIV. Talookdars who, in consequence of the rules in Sections V. and IX., may be separated from the Zemindars, or other actual proprietors of estates, through whom they heretofore paid their revenues, are to pay their revenue in future immediately into the Collector's treasury; except in districts where, from the number of talooks, or other cause, this mode would be attended with considerable inconvenience, in which case Tehseeldars, or native Collectors, are to be appointed to receive the revenue of the talooks in such districts.

Proprietors from whose estates talooks may be separated, shall not be appointed Tehseeldars.

This office to whom to be given, and the expense incident to it how to be defrayed.

XV. Zemindars, or other actual proprietors of land, from whose zemindarries or estates talooks may be separated, shall not be appointed Tehseeldars to receive the revenue of the talooks so separated, but the office of Tehseeldar shall, in every instance, be given to some other person of character and responsibility, and the whole expense of it is to be defrayed by Government.

Rule respecting mocurrery leases to persons not the proprietors of the lands included in them, if granted or confirmed by the Supreme Government, or obtained previous to the Company's accession to the Dewanny.

XVI. Mocurrery leases to persons not the actual proprietors of the lands included in such leases, if granted or confirmed by the Supreme Government, or obtained previous to the Company's accession to the Dewanny, are to be continued in force during the lives of the lessees, subject to an abatement of the fixed jumma for the authorized sayer resumed or abolished; but on their death, the settlement is to be made with the actual proprietors of the soil, agreeably to this Regulation.

Rules respecting mocurrery grants to the proprietors of the soil made or confirmed by the Supreme Government.

Rules in this and the preceding section to be considered subject to the future confirmation or revocation of the Court of Directors.

XVII. Mocurrery grants to the actual proprietors of the soil, made or confirmed by the Supreme Government, are also to be continued in force, subject, in like manner, to an abatement of the fixed jumma on account of the resumption or abolition of the authorized sayer. The rules contained in this section and Section XVI., are to be considered subject to the future confirmation or revocation of the Honourable Court of Directors.

Rule respecting Mocurrerydars holding lands of which they are not the proprietors, granted since the Company's accession to the Dewanny and not sanctioned by Government.

Qualification of the preceding part of this rule, but subject to the pleasure of the Court of Directors.

XVIII. Mocurrerydars holding lands of which they are not the actual proprietors, and whose mocurrery grants have been obtained since the Company's accession to the Dewanny, and never received the sanction of the Supreme Government, are to be dispossessed, and the settlement is to be made with the actual proprietors of the soil under this Regulation. In cases, however, where such Mocurrerydars have been in possession of their mocurreries for a term exceeding twelve years, they are to receive during their lives (subject to the pleasure of the Honourable Court of Directors) the difference between the jumma at which they held the lands and that which may be now agreed to by the actual proprietors, added to the neat produce of the authorized sayer, resumed or abolished.

Description of Istemrardars to be considered as pottah Talookdars.

XIX. Istemrardars, however, who have not got possession of their lands to the exclusion, or without the consent of the actual proprietors, as the Mocurrerydars mentioned in Section XVIII. are supposed to have done, but hold them of the proprietors on pottah or lease, are to be considered as a species of Pottah Talookdars, and the settlement is to be made with them as hereafter specified.

Exceptions to the general orders for the conclusion of the decennial settlement with the actual proprietors of the soil.

Qualifications of these exceptions.

XX. The exceptions to the general order for the conclusion of the decennial settlement with the actual proprietors of the soil, contained in Section IV., include the following descriptions of persons: females (excepting those whom the Governor General in Council may judge competent to the management of their own estates), minors, idiots, lunatics, or others rendered incapable of managing their lands by natural defects or infirmities of whatever nature, and persons whom the Governor General in Council may deem disqualified on account of their contumacy or notorious profligacy of character; provided, however, with regard to the whole of these descriptions, that they are not partners in the zemindarries, independent talooks, or other estates held by them, with others of a different description, in which case, themselves or guardians are allowed, with their partners, to engage for the settlement of their lands, and elect a joint manager, under the restrictions hereafter mentioned.

Lands of proprietors included in the above exceptions to be managed by persons appointed by Government.

XXI. The lands of disqualified proprietors, coming within the above descriptions, are to be managed for the benefit of the proprietors, by persons appointed to the trust by Government, in the mode prescribed in Regulation X. 1793, which also contains rules for the selection and conduct of such managers, as well as regarding the provision to be made for the support of the proprietors.

Further exception with respect to proprietors of land in balance to Government, and unable to pay the arrears due from them.

XXII. A further exception has been made to proprietors in balance to Government, and unable to pay the arrears due from them; in which instances, no settlement is to be concluded with the defaulting proprietors, but their lands are to be let in farm, or held khas, for a period of three years, at the discretion of the Collector.

Settlement of undivided estates possessed by two or more proprietors, none of whom may come within the description of disqualified landholders, to be made with them jointly, but their lands to be entrusted to a manager.

Mode in which managers are to be appointed.

XXIII. Where more proprietors than one possess an undivided estate, and the whole of them be not within the description of disqualified landholders specified in Section XX., the settlement is to be made with them jointly, and they are to be required to elect a Serberakar or manager, who shall have the exclusive management of their lands during the continuance of his appointment. The determination of the majority of the proprietors, or of the majority of those present in the event of the absence of any, is to be binding on the remainder in the choice of a manager; and when the votes of the proprietors are equal, the election of the manager is to be determined by the greater interest of the proprietors in the property. If in any case the interest also be equal, the manager is to be appointed by the Board of Revenue.

Cases in which guardians of proprietors are to vote for them in the choice of a manager.

XXIV. In instances where part of the proprietors described in Section XXIII. may be minors, lunatics, idiots, or others having guardians, such guardians are to vote for them.

Collectors to nominate managers for undivided estates when the proprietors shall neglect to do so, to be confirmed by the Board of Revenue.

Authority vested in the manager so appointed.

Expenses to be defrayed by the proprietors, who are also to be responsible for the public revenue.

XXV. If the joint proprietors of undivided estates should neglect to elect a Serberakar on the requisition of the Collector of the Revenue of the zillah in which such estates may be situated, the latter is authorized to nominate a manager for the approbation of the Board of Revenue, which manager, when confirmed by them, shall have the exclusive management, as long as it may be thought advisable to continue him. The expense of the manager, as well as the responsibility for the public revenue, resting nevertheless with the proprietors.

Determination of the majority of the proprietors to be binding on the remainder, in agreeing to the jumma of undivided estates.

But the sharers, if dissatisfied, may obtain a division of their lands.

XXVI. The determination of the majority of the proprietors present, under the restrictions specified in Section XXIII., is also to be binding on the remainder, in agreeing or disagreeing to the jumma proposed for undivided estates. The sharers, however, if dissatisfied, may obtain a division of their lands and a proportionate allotment of the revenue assessed thereon, but at their own expense.

Rules respecting the settlement of land standing in the joint names of several proprietors, or of one for many, each proprietor having his separate share in his own possession.

XXVII. When a portion of land stands in the joint names of several proprietors, or of one for many, but each proprietor has his separate share in his own possession and management, or in that of an agent for him, the settlement is to be made for each share with the person in possession, and his land is to be held exclusively responsible for the revenue assessed upon it.

In what manner the settlement is to be made in cases of lands being mortgaged.

XXVIII. In case of mortgage, if the mortgagee has obtained possession of the land, the settlement is to be made with him, and the proprietor is to be declared entitled to succeed to his engagements on recovering possession, either by the discharge of his obligations or by the decision of a court of justice. If the mortgagee has not possession, the settlement is to be made with the proprietor in possession, and the mortgagee is, in like manner, to succeed to the lease, in case of possession being subsequently adjudged to him.

Rule to be observed when the proprietors of any land cannot be ascertained, and in cases of absentees.

XXIX. If, after due inquiries and reference to the Mofussil records, the proprietors of any land cannot be ascertained, the lands are to be held khas *pro tempore*, and the same mode is to be adopted with regard to absentees. In both cases, an advertisement is to be issued, requiring the proprietors or absentees to attend within a period of six months; and if they should not be forthcoming at the expiration of that period, a settlement is to be made with a farmer for ten years, allowing a preference to the Zemindar nearest in situation, on his agreeing to the jumma and the terms that may be prescribed by the Collector.

The settlement of their lands how to be made in the event of their not being forthcoming.

Settlement of disputed estates to be made with the proprietor in possession.

XXX. Where the property in lands is disputed, the settlement is to be made with the proprietor in possession, under an express declaration, that he is nevertheless liable to the claims upon the estate, which is to be transferrible to any other person to whom the property may be subsequently adjudged.

Mode to be observed in cases where none of the claimants shall have been previously in possession.

XXXI. If a case should occur, in which none of the claimants shall have been previously in possession, they are to be allowed to appoint a manager until their claims shall have been determined in the Dewanny Adawlut of the zillah: but if they should not agree to a manager, the lands are to be held khas, and the surplus produce, after discharging the revenue, is to be kept in deposit until the right of property shall be adjudged.

Rules for the settlement, in cases where disputes exist concerning the boundaries of lands.

XXXII. Where disputes exist concerning the boundaries of land, they are to be left to be adjusted in the Dewanny Adawlut, and the settlement is to be made in the mean time for the lands in possession of the disputing parties respectively.

Rules for fixing the assessment pointed out.

XXXIII. The special rules for fixing the assessment of the three provinces respectively, adapted to the local circumstances of each, commence with Section LXVIII., and the following general rules have been prescribed in addition thereto.

Allowances of Cauzies and Canongoes, and public pensions paid by landholders, to be added to the jumma, and in future paid by the Collectors, under certain restrictions.

XXXIV. The allowances of the Cauzies and Canongoes, heretofore paid by the landholders, as well as any public pensions hitherto paid through the landholders, are to be added to the amount of the jumma, and in future paid by the Collectors of the Revenue of the several zillahs, on the part of Government, under the rules and restrictions laid down for their guidance, with regard to such payments, in the resolutions passed by the Governor General in Council on the 10th June 1791, and re-enacted with modifications by Regulation XXIV. 1793.

The assessment to be fixed exclusive of sayer, with an exception to the collections in the gunges, &c. in Calcutta, and to certain other articles of collection, confirmed.

XXXV. The assessment is to be fixed exclusive and independent of all duties, taxes, and other collections, known under the general denomination of sayer; the collections made in the gunges, hauts, and bazars, situated within the limits of the town of Calcutta excepted, and excepting also the collections confirmed to the proprietors and holders of gunges, bazars, and hauts, by the resolutions passed by the Governor General in Council on the 11th of June 1790. Those resolutions, with the subsequent rules enacted for the regulation of the abkarry, or tax on intoxicating liquors and drugs, the abolition of the other sayer collections resumed, and the compensations to be made to the proprietors and farmers of estates in consequence of this resumption and abolition, are re-enacted with modifications, by Regulations XXVII. and XXXIV. 1793.

Assessment also to be fixed exclusive of all existing lakeraje lands.

XXXVI. The assessment is also to be fixed exclusive and independent of all existing lakeraje lands, whether exempted from the kheraje (or public revenue) with or without due authority.

The above rule not meant to include malikanah lands in Behar, or private lands of Zemindars and Talookdars in Bengal and Midnapore.

XXXVII. The above exception, however, is not meant to include the malikanah lands in Behar, or the nankar, khomar, neej-joot, and other private lands of the Zemindars and independent Talookdars, or other actual proprietors of land in Bengal and Midnapore, regarding which the following rules have been prescribed.

Malikanah lands in Behar to be re-annexed, and the proprietors required to engage for the whole of their estates including those lands.

XXXVIII. Where the Zemindars, or other actual proprietors of land, in Behar, have resigned, or have been deprived of the management of their lands, retaining possession of a tithe, as malikanah, the latter is to be reannexed, and the Zemindars or other actual proprietors are to be required to engage for the whole of their estates including the malikanah lands; unless such lands be held as malikanah under grants made or confirmed by the Governor General in Council, or the supreme authority of the country, for the time being, and have been sold or mortgaged, and given in possession to the mortgagee, in which case they are to be exempted from this rule. Grants for malikanah lands not made or confirmed by the supreme authority of the country, are declared invalid by the Regulations passed on the 8th August 1788. If the Collectors, however, should be of opinion, that any material injury will be done to any individual by the execution of these orders, they are to report the circumstances to the Board of Revenue.

Nankar, khomar, neej-joot, and other private lands of the proprietors, in Bengal and Orissa, to be annexed to the malguzarry lands, and the jumma fixed upon the whole.

XXXIX. The nankar, khomar, neej-joot, and other private lands, appropriated by the Zemindars, independent Talookdars, and other actual proprietors of land, in Bengal and Orissa, to the subsistence of themselves and families, shall be also annexed to the malguzarry lands, and the ten years' jumma fixed upon the whole under the following modification; that such pro-

prietors

Modification of the rule.

prietors as may decline to engage for their lands be allowed the option of retaining possession of their private lands above specified, upon the terms on which they have hitherto possessed them, provided they shall prove, to the satisfaction of the Board of Revenue, that they held them under a similar tenure previous to the 12th August 1765, the date of the grant of the Dewanny to the Company, and have hitherto been permitted to keep possession of them, whenever their zemindarries or estates have been held khas or let in farm, but not otherwise. In the event of such proof, and of their availing themselves of the option above given to retain possession of their private lands, a deduction, adequate to the neat produce of such lands, is to be made from the amount of the allowance fixed for excluded proprietors by Section XLIV.

The consolidation of the malguzarry and private lands to be made also in talooks continued under proprietors on whom they have been hitherto dependent.

Motive of this consolidation.

XL. The above consolidation of the malguzarry and private lands is also to be made in the talooks continued under the proprietors on whom they have hitherto been dependent; not, however, with a view of increasing the rents of the Talookdars, but in order to make the whole of the lands composing their talooks answerable for their proportion of the public assessment allotted thereon.

Chakeran lands to be annexed to the malguzarry lands, and declared responsible for the public revenue.

XLI. The chakeran lands, or lands held by public officers and private servants in lieu of wages, are also not meant to be included in the exception contained in Section XXXVI. The whole of these lands in each province are to be annexed to the malguzarry lands, and declared responsible for the public revenue assessed on the zemindarries, independent talooks, or other estates in which they are included, in common with all other malguzarry lands therein.

All engagements for the jumma to be for sicca rupees, subject for the present to a provisionary clause.

Collectors to insert in their treasury accounts the rates of batta at which they may receive all rupees not siccas.

XLII. All engagements for the jumma, whether executed by proprietors or farmers, are to be for sicca rupees; and a clause is to be inserted, obliging them to pay to Government siccas, or the same species of rupees as they may receive from their under-farmers or Ryots, at the bazar rates of batta, until a sufficient number of sicca rupees can be circulated to make these the only legal tender. The Collectors are to insert in their treasury accounts the rates of batta at which all rupees, not siccas, may be received by them.

Process to be observed when the landholders decline engaging for the jumma proposed to them.

XLIII. In the event of any proprietor declining to engage for the settlement of his lands at the jumma proposed to him, the Collector is to communicate the objections offered, with his opinion respecting them, to the Board of Revenue. That Board is to determine the proper assessment, after making such further inquiries as they may think necessary, and the objecting proprietor is to be required to engage for such assessment without further delay; and in the event of his refusal, which is to be given in writing, his lands are to be let in farm or held khas, as the Board of Revenue may in each instance think most expedient.

Proprietors who may finally refuse to engage for the jumma required from them, are to receive malikanah, and in what proportion.

XLIV. Proprietors who may finally decline engaging for the jumma proposed to them, and whose lands may consequently be let in farm or held khas, are to receive malikanah (an allowance in consideration of their proprietary rights) at the rate of ten per cent. on the sudder jumma of their lands, if let in farm, or at the same rate on the neat collections from their lands if held khas, viz. on the neat amount realized by Government, after defraying the malikanah as well as all other charges. Out of this allowance, however, a provision is to be made for such persons belonging to the families of the proprietors as may be entitled thereto.

Rule concerning the payment of the malikanah where the lands are let in farm.

XLV. When the lands are let in farm, the farmer is to engage to pay the ten per cent. malikanah to the proprietor of the lands farmed by him, in addition to the jumma payable by him to Government, and to pay this malikanah monthly, according to the kistbundy fixed for the sudder jummah, with an exception to any cases in which it may have been otherwise stipulated with the farmers.

How the collectors are to enforce payment of the malikanah.

Government guarantees for the full payment of the malikanah of proprietors.

XLVI. The Collectors are to enforce payment of the malikanah specified in Section XLV. from the farmers, by the same process as is prescribed for enforcing payment of arrears of the public revenue, if they shall at any time neglect to pya the instalment due from them; and Government are to be considered as guarantees for the full payment of the fixed allowance to the several excluded proprietors.

How to be paid when the lands are held khas.

XLVII. In the event of the lands being held khas, on the refusal of the proprietor to engage for the settlement of them, the malikanah, calculated as above specified, is to be paid monthly from the treasuries of the Collectors, and it shall be paid entirely in money, instead of half in cash and half in paper, as formerly.

Settlement to be made by proprietors with the Talookdars continued under them, and in what manner.

XLVIII. The settlement having been concluded with the Zemindars, independent Talookdars, and other actual proprietors of land, they are to enter into engagements with the several dependent Talookdars continued under them respectively, and consequently paying revenue through them, for the same period as the term of their own engagements with Government, provided the Talookdars will agree to such revenue, progressive or otherwise, as the Zemindar, or other actual proprietor of land, may be entitled to demand from them; and the several Zemindars, or actual proprietors of land to whom this rule may be applicable, are required to deliver to the Collector, within three months after the conclusion of the settlement with them, a record of the engagements entered into between them and the Talookdars dependent on them, specifying their names and talooks, and the jumma payable by each.

Restrictions regarding the assessment of a certain description of Istemrardars, who are to be considered as landholders.

XLIX. It is to be understood, however, that Istemrardars (Mocurrerydars) of the nature of those described in Section XVIII., who have held their land at a fixed rent for more than twelve years, are not liable to be assessed with any increase, either by the officers of Government or by the Zemindar or other actual proprietor of land, should he engage for his own lands. With regard to such Istemrardars, also, as have not held their lands at a fixed rent for so long a period, if the Zemindar, or other actual proprietor of land, has bound himself by the deed which he may have executed not to lay any increase upon them, he shall not be allowed to infringe the conditions of the deed for his own benefit, but must confine his demands to the rent he may have voluntarily agreed to receive.

To what the last restriction imposed on actual proprietors of land in the preceding section is not to extend.

L. This last restriction imposed on the Zemindar, or other actual proprietor of land, in Section XLIX., is not to be considered to preclude the officer of Government or farmer, in the event of the zemindarry being held khas or let in farm, from assessing such Istemrardars according to the general rate of the district.

LI. The

Further rules to prevent undue exactions from the Talookdars.

LI. The following rules are prescibed, to prevent undue exactions from the dependent Talookdars.

Proprietors not to demand an increase from such Talookdars, excepting in the cases herein specified.

First. No Zemindar, or other actual proprietor of land, shall demand an increase from the Talookdars dependent on him, although he should himself be subject to the payment of an increase of jumma to Government; except upon proof that he is entitled so to do, either by the special custom of the district, or by the conditions under which the Talookdar holds his tenure; or that the Talookdar, by receiving abatements from his jumma, has subjected himself to the payment of the increase demanded, and that the lands are capable of affording it.

Penalty for proprietors making exactions from Talookdars.

Second. If, in any instance, it be proved that a Zemindar, or other actual proprietor of land, exacts more from a Talookdar than he has a right to, the court shall adjudge him to pay a penalty of double the amount of such exaction, with all costs of suit, to the party injured.

Actual proprietors to let their remaining lands under the prescribed restrictions, in whatever manner they may think proper.

LII. The Zemindar, or other actual proprietor of land, is to let the remaining lands of his zemindarry or estate, under the prescribed restrictions, in whatever manner he may think proper; but every engagement contracted with under-farmers shall be specific as to the amount and conditions of it; and all sums received by any actual proprietor of land or any farmer of land, of whatever description, over and above what is specified in the engagements of the persons paying the same, shall be considered as extorted, and be repaid with a penalty of double the amount. The restrictions prescribed and referred to in this section are the following:

Restrictions alluded to in Section LII.

LIII. No person contracting with a Zemindar, independent Talookdar, or other actual proprietor, or employed by him in the management of the collections, shall be authorized to take charge of the lands or collections without an amilnamah, or written commission, signed by such Zemindar, independent Talookdar, or other actual proprietor.

Process to be observed to prevent imposition on the Ryots under the denomination of abwab, mhatoot, &c.

LIV. The impositions upon the Ryots, under the denomination of abwab, mhatoot, and other appellations, from their number and uncertainty having become intricate to adjust, and a source of oppression to the Ryots, all proprietors of land and dependent Talookdars shall revise the same, in concert with the Ryots, and consolidate the whole with the assul into one specific sum. In large zemindarries or estates, the proprietors are to commence this simplification of the rents of their Ryots in the pergunnahs where the impositions are most numerous, and to proceed in it gradually till completed; but so that it be effected for the whole of their lands, by the end of the Bengal year 1198, in the Bengal districts, and of the Fussily and Willaity year 1198, in the Behar and Orissa districts, these being the periods fixed for the delivery of pottahs, as hereafter specified.

Proprietors and farmers of land prohibited imposing any new abwab or mhatoot on the Ryots, and penalty in case of disobedience.

LV. No actual proprietor of land, or dependent Talookdar or farmer of land, of whatever description, shall impose any new abwab or mhatoot upon the Ryots, under any pretence whatever. Every exaction of this nature shall be punished by a penalty equal to three times the amount imposed; and if, at any future period, it be discovered that new abwab or mhatoot have been imposed, the person imposing the same shall be liable to this penalty for the entire period of such impositions.

LVI. It

Tenure of pottahs according to articles of produce admitted under certain restrictions.

LVI. It is expected that, in time, the proprietors of land, dependent Talookdars and farmers of land, and the Ryots, will find it for their mutual advantage to enter into agreements, in every instance, for a specific sum for a certain quantity of land, leaving it to the option of the latter to cultivate whatever species of produce may appear to them likely to yield the largest profit. Where, however, it is the established custom to vary the pottah for lands according to the articles produced thereon, and while the actual proprietors of land, dependent Talookdars or farmers of land, and Ryots in such places, shall prefer an adherence to this custom, the engagements entered into between them are to specify the quantity of land, species of produce, rate of rent, and amount thereof, with the term of the lease, and a stipulation that, in the event of the species of produce being changed, a new engagement shall be executed for the remaining term of the first lease, or for a longer period if agreed on; and in the event of any new species being cultivated, a new engagement, with the like specification and clause, is to be executed accordingly.

What the pottahs to be delivered to the Ryots are to contain.

LVII. *First.* The rents to be paid by the Ryots, by whatever rule or custom they may be regulated, shall be specifically stated in the pottah, which, in every possible case, shall contain the exact sum to be paid by them.

Rule where the rate only can be specified, and for payments in kind.

Second. In cases where the rate only can be specified, such as where the rents are adjusted upon a measurement of the lands after cultivation or on a survey of the crop, or where they are made payable in kind, the rate and terms of payment and proportion of the crop to be delivered, with every condition, shall be clearly specified.

Forms of pottahs to be registered in the zillah court, and copies to be deposited in each of the principal cutcherries.

LVIII. Every Zemindar, independent Talookdar, or other actual proprietor of land, and every dependent Talookdar, shall prepare the form of a pottah or pottahs conformably to the rules above prescribed, and adapted to the circumstances of his estate or talook; and after obtaining the Collector's approbation of it (which approbation shall be signified by such officer superscribing the form with his name and official appellation), he is to register a copy of the form or forms in the Dewanny Adawlut of the zillah, and to deposit a copy in each of the principal cutcherries in his estate or talook. Every Ryot shall be entitled to receive corresponding pottahs on application, and no pottahs of any other form shall be hereafter held valid.

Ryots may demand pottahs of proprietors of land and farmers, who are also required to grant them.

Penalty in case of refusal.

LIX. A Ryot, when his rent has been ascertained and settled, may demand a pottah from the actual proprietor of land, dependent Talookdar or farmer, of whom he holds his lands, or from the person acting for him; and any refusal to deliver the pottahs, upon being proved in the court of Dewanny Adawlut of the zillah, shall be punished by the court, by a fine proportioned to the expense and trouble of the Ryot in consequence of such refusual. Actual proprietors of land, dependent Talookdars, and farmers, are also required to cause a pottah for the adjusted rent to be prepared and tendered to the Ryot, either granting the same themselves, or intrusting their agents to grant the same.

Restrictions on farmers and agents in granting pottahs.

No farmer, however, without special permission from the proprietor of the lands, or (if the lands form part of a dependent talook) the dependent Talookdar, shall grant a pottah extending beyond the period of his own lease; nor shall any agent grant a pottah without authority from the proprietor or dependent Talookdar, or the manager of disqualified proprietors.

LX. *First.*

All existing leases to under-farmers and Ryots to remain in force until the period of their expiration.

Exception to the rule.

LX. *First.* All leases to under-farmers and Ryots made previous to the conclusion of the settlement, and not contrary to any Regulation, are to remain in force until the period of their expiration, unless proved to have been obtained by collusion or from persons not authorized to grant them.

No proprietor of land, or dependent Talookdar or farmer of land, shall cancel the pottahs of khod kasht Ryots, except in certain specified cases.

Second. No actual proprietor of land or farmer, or persons acting under their authority, shall cancel the pottahs of the khod kasht Ryots, except upon proof that they have been obtained by collusion; or that the rents paid by them within the last three years have been reduced below the rate of the nirkbundy of the purgunnah; or that they have obtained collusive deductions; or upon a general measurement of the purgunnah for the purpose of equalizing and correcting the assessment. The rule contained in this clause is not to be considered applicable to Behar.

Time allowed to proprietors of land and dependent Talookdars and farmers of land to prepare and deliver pottahs to the Ryots.

Claims on engagements contrary to those ordered how to be considered and decided on.

LXI. The proprietors of estates, and the dependent Talookdars and farmers of land in Bengal, are allowed until the end of the Bengal year 1198, and those in Behar and Orissa until the end of the Fussily and Willaity year 1198, to prepare and deliver pottahs to the Ryots, in conformity to the preceding rules, but after the expiration of the year 1198 no engagements for rent, contrary to those ordered, are to be held valid; and in the event of any claims being preferred by proprietors of estates, or dependent Talookdars, farmers, or Ryots, on engagements, wherein the consolidation of the assul, abwab, &c. shall appear not to have been made, they are to be nonsuited with costs.

Rules regarding Putwarries.

LXII. *First.* The annual revenue to be paid to Government from the estates of the proprietors of land with whom a settlement has been or may be concluded, having been declared fixed for ever, and courts of justice having been established, with powers to protect them against all demands exceeding that fixed revenue, whether made by the officers of Government or other persons, or by the authority of Government itself, and on the other hand, the grounds on which deductions and abatements were heretofore occasionally obtained by proprietors of estates when their jumma was liable to frequent variation no longer existing, neither their rights nor the value of their property can be affected in future by the real produce of their estates being known. The rules, therefore, hereafter prescribed regarding Putwarries, which are framed solely to facilitate the decision of suits in the courts of judicature between proprietors and farmers of lands and persons paying rent or revenue to them, and to guard against any diminution of the fixed revenue of Government or injustice to individuals, by enabling the Collectors to procure the necessary information and accounts for allotting the public jumma upon estates that may be divided, agreeably to the principles prescribed in Regulation I. 1793, can be objected to by those proprietors only who may have it in contemplation, in the event of the division or transfer of a portion of their estates, to deprive Government of a part of the fixed revenue, or defraud some of the partners in their estates by obtaining a disproportionate allotment of the public assessment on the several shares, or to oppress the persons paying rent or revenue to them with impunity, by withholding from the courts of justice the documents necessary to enable them to afford redress to the complainants. It being essential to the security of the public revenue, as well as of private rights and property, and at the same time consistent with the ancient usages of the country and the declarations in the proclamation announcing the public assessment on the lands fixed for ever, that Government should have the means of counteracting such unjustifiable views, the following rules have been adopted:

Proprietors to appoint a Putwarry to keep the accounts of each village.

Second. Every proprietor of land who may not have established a Putwarry in each village in his or her estate, to keep the accounts of the Ryots, as required by the original rules for the decennial settlement of the three provinces, shall immediately appoint a Putwarry in each village for that purpose. All proprietors of estates are to deposit in the Dewanny Adawlut of the zillah, the Collector's cutcherry, and the principal cutcherry in each mohaul or pergunnah, a list of the Putwarries in their respective estates, and the names of the villages the accounts of which they may be severally appointed to keep. The proprietors are to notify every three months to the court and the Collector, all vacancies that may occur, and the names of the persons whom they may appoint to fill them. The Board of Revenue are empowered to authorize any proprietor to reduce the number of Putwarries in such proportion as they may think proper, in cases in which it may appear to them unnecessary to entertain a separate Putwarry for each village.

Board of Revenue may authorize proprietors to reduce the number of Putwarries.

Putwarries to produce all accounts required by the courts of judicature.

Third. The Putwarries in every estate are to produce all accounts relating to the lands, produce, collections, and charges of the village or villages, the accounts of which may be kept by them respectively, and to furnish every information and explanation that may be required regarding them, whenever they may be required by any court of justice, to adjust any suit that may be depending before the court between the proprietor or farmer of the estate and the Ryots, or any persons paying rent or revenue to them, or any other suit.

and also for the allotment of the public revenue, in the cases herein specified, when required by the Collectors.

Fourth. The Putwarries in each estate shall also produce the accounts specified in the preceding clause, and furnish every explanation and information that may be required respecting them, for the allotment of the public revenue agreeably to the principles laid down in Regulation I. 1793, in the event of the whole or any portion of the estates being directed to be disposed of at public sale, or being transferred by any private act of the proprietor or proprietors, or of the estate being ordered to be divided pursuant to a decree of a court of judicature, or where it may be a joint estate, in consequence of the request of one or more of the proprietors. But no Collector is to require a Putwarry to attend him and produce his accounts, but for the purposes above mentioned, or in any other cases in which they may be expressly empowered to require them, by any Regulation printed and published in the manner directed in Regulation XLI. 1793. If any Collector shall require the Putwarry of any village or villages to attend him and produce the village accounts, for purposes, or in cases in which he may not be authorized to inspect them, the court of Dewanny Adawlut, upon the circumstances being represented to it by the proprietor of the estate, is empowered to make an order to prohibit the Collector requiring the accounts, and in the event of his repeating the requisition, to adjudge him to pay a fine to the proprietor of the estate, of such sum as to the court may appear proper, and to levy the fine in the mode in which the courts are empowered to levy fines from the Collectors in the suits described in Section XXXIII., Regulation XIV. 1793.

Cases in which the Collectors are prohibited requiring accounts from Putwarries, and

penalty for breach of the prohibition.

How the Collectors and the courts are to enforce the attendance of Putwarries.

Fifth. When a Collector shall require the attendance of a Putwarry for the examination of his accounts, either before him or any officer whom he may depute for the purpose, he is to serve such Putwarry with a written notice, under his official signature and the seal of the zillah, to attend with the accounts required, which are to be particularized in the notice. If he shall omit to attend with the accounts by the limited time, and shall not show good cause to the Collector for the omission, the Collector is authorized to represent the circumstances through the Vakeel of Government to the court of Dewanny Adawlut of the zillah, the Judge of which, provided there shall appear to him sufficient cause for so doing, may order such Putwarry to be committed to close custody until he produces the accounts. The courts are to observe the same process with Putwarries who may omit to attend with their accounts when required, for the adjustment of any matter or dispute depending before the courts.

Putwarries may be required to swear to the truth of their accounts.

Sixth. Putwarries shall be required to swear to the truth of the accounts they may produce when deemed necessary; and in the event of the Collector having occasion to proceed in person, or to depute an officer to examine any village accounts on the spot, the Judge, upon application being made to him for that purpose by the Collector through the Vakeel of Government, may grant to him, or to such officer, a commission to swear the several Putwarries whose accounts are to be inspected, inserting in the commission the name of each Putwarry to be sworn. If the Collector shall have occasion to examine the accounts of a Putwarry at the station at which the court may be established, he is to cause him to be sworn before the court, if he shall judge it necessary, to require him to make oath to the truth of his accounts.

Putwarries liable to be prosecuted criminally for swearing to false accounts in a court of judicature,

Seventh. If a Putwarry shall have sworn to the truth of any account that he may have been required to produce before a court of justice, for the purpose of deciding any matter before the court, and the accounts shall afterwards be found to have been fabricated or altered, or not to be the true accounts, the Judge of the court is empowered to commit him to be tried for perjury before the court of circuit.

or before a Collector.

Eighth. If a Putwarry shall have been sworn before a Judge, or before a Collector or the officer of a Collector, to any accounts that he may have been required to produce before the Collector or his officer, in a case in which the Collector may have been empowered to require him to produce such accounts, and the accounts shall afterwards appear to have been fabricated or altered, or not to be the true accounts, the Collector is empowered to employ the Vakeel of Government to prosecute such Putwarry for perjury. In the cases specified in this and the preceding clause, if it shall be proved to the satisfaction of the court that the accounts were fabricated, altered, or changed, by the orders, or with the knowledge or connivance of the proprietor or farmer of the estate, the court shall impose such fine upon the proprietor or farmer so offending, as may appear to it proper, upon a consideration of the case and the situation and circumstances of the offender.

Punishment for proprietors or farmers concerned in falsifying the accounts.

How proprietors omitting to appoint Putwarries are to be proceeded against.

Ninth. Upon the accounts of any village being ordered to be produced, if it shall be found that no Putwarry has been appointed to keep the accounts of the Ryots, in conformity to the rules prescribed in Clause Second, the court, provided it be a case in which the requisition of the accounts may be authorized, shall fine the proprietor for the first offence, in such sum as it may judge proper upon a consideration of his or her situation and circumstances and the nature of the case; and for the second offence, twice the amount of the fine for the first; and for the third and every subsequent offence, double the amount of the fine for the preceding one. If the accounts shall have been required by the Collector, he is to order the Vakeel of Government to sue the proprietor on the part of Government under this section, for a breach of the rule in Clause Second.

[illegible]

Tenth. The rules contained in this section are hereby declared equally applicable to dependent talooks, as to estates paying revenue immediately to Government.

[illegible]

LXIII. *First.* Every proprietor of land, dependent Talookdar or farmer of land, of whatever description, and their agents of every gradation, receiving rents or revenues from dependent Talookdars, under-farmers, Ryots, or others, are to give receipts for all sums received by them, and a receipt in full on the complete discharge of every obligation. Any person to whom a receipt may be refused, on his establishing the same in the Dewanny Adawlut of the zillah, shall be entitled to damages from the party who received his rent or revenue and refused the receipt, equal to double the amount paid by him.

[illegible]

Second. In case any village or lands should be affected by inundation or other calamity, causing the Ryots to desert, it shall not be lawful for any proprietor of land, dependent Talookdar or farmer of land, of whatever description, or their agents, to demand the rents of the absconded Ryots from those who may remain.

[illegible]

LXIV. The proprietors of land, dependent Talookdars and farmers of land, of every description, are to adjust the instalments of the rents receivable by them from their under-renters and Ryots, according to the time of reaping and selling the produce, and they shall be liable to be sued for damages for not conforming to this rule.

[illegible]

LXV. No proprietor of land or dependent Talookdar shall contract any engagement with any under-farmer, or authorize any act contrary to the letter and meaning of this Regulation.

[illegible]

LXVI. Zemindars, independent Talookdars, and other actual proprietors of land, dependent Talookdars, farmers of land holding farms immediately of Government, and all persons farming lands of the above-mentioned descriptions of landholders and farmers of land, and their respective officers, agents, servants, dependents, and Ryots, are prohibited from taking cognizance of, or interfering in matters or causes coming within the jurisdiction of the courts of civil judicature, or the courts of circuit, or the magistrates, under pain of being liable to the payment of such fine to Government, and damages to the party injured, as the court of judicature in which they may be prosecuted for the act may deem it proper to impose and award.

[illegible]

LXVII. *First.* Such of the restrictions on actual proprietors of land and farmers who hold their farms immediately of Government, as are set forth in their respective cubbooleats and are not repealed by any Regulation printed and published in the manner directed in Regulation XLI. 1793, are to be considered in full force.

[illegible]

Second. Actual proprietors of land are to be considered to have been entitled, between the period of the conclusion of the settlement with them and the 22d March 1793, the date of the proclamation declaring the decennial settlement perpetual, inserted in Regulation I. 1793, to borrow money on the credit of their lands, and to sell or otherwise dispose of them, subject to the rules and restrictions existing when the transactions took place; and all *bonâ fide* transfers of zemindarries, or other estates or talooks, made by any actual proprietor of land or dependent Talookdar, subsequent to the 8th June 1787, are to be deemed valid, although they shall have taken place without the sanction of the Board of Revenue required to be obtained by the Regulations passed on that date; and all actual proprietors of land and dependent Talookdars are to be held to have been at liberty, from the 29th October 1790, to borrow money without the sanction of the Board of Revenue.

Bonâ fide transfers of estates of talooks made subsequent to the 8th June 1787, to be held valid.

Rules regarding the recovery of arrears of rent or revenue from Ryots, or under-farmers, contained in Regulation XVII. 1793.

Third. In the amended code of the rules for the decennial settlement, passed on the 23d November 1791, it was declared, that in all instances in which Ryots should give security for the performance of their engagements, and such security should be accepted by the landholders or farmers, it should not be lawful for the two latter to attach the crop of the former, unless the security should have absconded and other good security not have been tendered in consequence. This rule was annulled by the Regulations passed by the Governor General in Council on the 20th July 1792, which have been re-enacted, with alterations and amendments, by Regulation XVII. 1793.

Proprietors and farmers of land deprived of police jurisdiction.

Fourth. In the original rules for the decennial settlement, the landholders were declared responsible for the peace of their districts, and bound to act agreeably to such Regulations on that head as might afterwards be enacted. This rule was superseded by the Regulations passed by the Governor General in Council on the 7th December 1792, which have been re-enacted, with alterations and amendments, by Regulation XXII. 1793.

Collector to attend to the spirit of the rules in this Regulation, where they may not be applicable to particular districts.

Restrictions under which this rule is to be applied.

Fifth. In the original rules above-mentioned it was also directed, that if, in any instance, the Regulations should appear inapplicable to the circumstances of any particular district, the Collector should attend to the spirit of them, and carry them into execution in such mode as circumstances might allow, reporting any alterations or modifications which he might deem necessary. This rule is to be considered still in force in forming any settlements which remain to be concluded, but it is not to be construed to empower the Collector to exercise any judicial authority.

In what cases the settlement was to be concluded under the Regulations which existed prior to the original rules for the decennial settlement.

Sixth. It was further ordered in the original rules before-mentioned, that if, from want of sufficient materials or information, or on account of other impediments, the Collectors should be unable to complete the settlement of all the purgunnahs under their charge, agreeably to the prescribed plan, within the year 1197 of the eras current in the three provinces respectively, the settlement was to be made for one year only, according to the principles laid down in the Regulations of the 25th April 1788, for the settlement of 1196, the year preceding the first year of the decennial settlement.

BENGAL SPECIAL ORDERS.

What is to be considered as the standard in fixing the assessment.

LXVIII. In fixing the amount of the assessment, the jumma of the preceding year, compared with the accounts and information supplied by the Collectors, and the recommendation of the Board of Revenue founded thereon, is to be the standard, under the following considerations.

Cases wherein the Board of Revenue may postpone the decennial settlement.

LXIX. If the Board of Revenue shall have reason to believe that the accounts furnished of any particular district or districts are materially defective, that more accurate information of their actual produce is necessary, and that it can be procured without having recourse to hustaboods and measurements, which have been prohibited, the decennial settlement of such districts is to be postponed.

No abatement from the jumma of the preceding year is to be allowed without special sanction.

LXX. No abatement from the jumma of the preceding year is to be allowed, without the special sanction of the Governor General in Council.

LXXI. Any occasional diminution of the jumma which it may be necessary to allow on account of casualties of season, is to be restored by a russud, or progressive increase; but no russud shall be established to extend beyond the third year of the settlement, except in the separated talooks, and other petty mehals, in which the Board of Revenue may allow a further extension of the russud, if it shall appear to them expedient.

Settlements to be made as far as possible in one neat sum, free from all charges of the nature herein specified.

LXXII. The settlement is to be made, as far as possible, in one neat sum, free from any charges of moshaira, zemindarry amlah, poolbundy, cutcherry charges, or others of a similar nature; it being intended, that all charges incidental to the receipt of the rents of the lands, and independent of the allowances of the officers of Government and expenses attending the collection of the public revenue, shall be defrayed by the proprietors from the produce of their lands.

Separate allowances to families of proprietors to be abolished and provided for by the proprietors.

LXXIII. In every possible case, all separate allowances to the families and connections of the proprietors of land are to be abolished, and the provision for their maintenance is to devolve upon the proprietors.

Established zemindarry charges which are to be paid by the Collectors except in certain cases.

LXXIV. With respect to any of the existing established zemindarry charges, such as pensions, charitable or other allowances, which it may be thought proper to continue, they shall be paid by the Collectors, and the proprietors and farmers of land are to have no concern in them; unless, for special reasons of convenience, it should be deemed more expedient, in any instance, to intrust the proprietors or farmers of land with the disbursement of them.

Exceptions to the application of the standard of assessment mentioned in Section LXVIII.

Separated Talookdars, whose jumma may be raised under this section, at liberty to sue the Zemindars who fixed their jumma.

LXXV. The standard for fixing the future assessment, mentioned in Section LXVIII, viz. the jumma of the preceding year compared with the accounts and information supplied by the Collectors, and the recommendation of the Board of Revenue thereon, cannot be applied, however, to the separated talooks, which have not heretofore paid any jumma immediately to Government; nor is it to be understood to be applicable to any instances where the actual produce of the lands may have been ascertained. In all such instances, and in all separated talooks, the jumma of which shall clearly appear to have been fixed below the general rate of assessment of the purgunnah wherein they are situated, the assessment is to be regulated, so as to leave to the proprietors a provision for themselves and families equal to about ten per cent. on the amount of their contributions to Government, including the produce of their nankar, or other private lands, to be annexed to the malguzarry lands, as directed in Section XXXIX; and the Talookdars, whose jumma may be raised by virtue of this rule, are to be informed, that they may sue in the Dewanny Adawlut the proprietor who fixed their jumma, if they shall think themselves aggrieved by their payments being enhanced, contrary to the terms of a grant which the Zemindars had no authority to bestow on them.

Exceptions to the preceding rule in favour of separated Talookdars and others who have paid a fixed jumma for the last twelve years.

LXXVI. From this rule, however, are to be excepted all separated talooks, as well as all lands heretofore paying revenue immediately to Government, which may have been held at a fixed jumma during the last twelve years; and the decennial settlement is to be concluded with the proprietors of such talooks and lands at the jumma hitherto paid by them, subject to such deduction as may be found equitable on account of the sayer, resumed or abolished.

Circumstances which may render a larger provision than ten per cent. necessary will be taken into consideration.

LXXVII. The estimated provision for the landholders and their families, where the assessment may be fixed on the ascertained produce of their lands, is stated generally at ten per cent. on the jumma payable by them: but if, owing to any peculiar circumstances, a larger provision should be deemed necessary, particularly in zemindarries or independent talooks yielding a small revenue, the Governor General in Council will take the same into consideration.

Points to be considered in carrying into execution the principles contained in Section LXVIII.

LXXVIII. In carrying into execution the principles contained in Section LXVIII., it will be necessary to consider, whether the several charges noticed have been heretofore defrayed by the actual proprietors of land, independent of their assessment, or by Government, with a view to determine whether a deduction is to be allowed from their future jumma to provide for them, or otherwise.

Cases in which a deduction is or is not to be allowed for the charges herein alluded to.

Rule respecting moshaira.

LXXIX. In cases where the charges alluded to in the preceding section have been defrayed by the actual proprietors of land, independently of their jumma to Government, they will not, of course, be entitled to any deduction on account of them; but where they have been heretofore paid by Government, the jumma must suffer a proportionate diminution, unless there be sufficient funds for the discharge of them in addition to the former jumma. With respect to the moshaira, in particular, it is to be observed, that where the lands have been let in farm, but are now left with the proprietor, the latter may be presumed to receive an equivalent for his former allowance in the profits of the farmer, which will revert to him.

Mofussil charges to be considered in calculating the assessment when the gross assets shall have been ascertained.

Statement required from the Collectors.

LXXX. Where the jumma may be fixed on the ascertained gross assets, the mofussil charges of every denomination, whether dehatee, purgunnatee, or others, must further be considered in calculating the proper assessment; and the Collectors are to transmit a statement of the estimated gross assets, with an adjustment of the revenue thereto, conformably to the above rules.

Every circumstance influencing the regulation of the jumma to be recorded.

LXXXI. Every circumstance influencing the regulation of the jumma is to be minutely recorded, to prevent any claims hereafter on the part of the proprietors or farmers for lowering the amount.

BEHAR SPECIAL ORDERS.

Principles to be observed in fixing the jumma to be paid by the proprietors.

LXXXII. The jumma which each actual proprietor of land is to pay, is to be fixed by the Collector on fair and equitable principles, with the reserve of the approbation of the Board of Revenue, to whom he is to report the grounds of his decision on the jumma. If he should deem it eligible, he may call upon the actual proprietors of land to deliver in proposals for the settlement of their lands; but his judgment is, in the first instance, to determine the amount of the assessment.

Modes to be attended to in ascertaining the assets for the purpose of fixing the jumma.

LXXXIII. The Collectors, in fixing the jumma, are to attend to the modes which have hitherto prevailed in ascertaining the assets, and fixing the jumma between the proprietors of small estates and the principal proprietor or farmer, adopting, in all practicable instances, the following general rule: that the average product of the land in common years (assuming three or four for the calculation) be taken as the basis of the settlement, and from this deductions be made equal to the malikanah and khurcha, leaving the remainder the jumma of Government. The Governor General in Council relies on the accuracy of the Collectors in the application of this rule; and they are authorized, in the event of great uncertainty, to measure the lands. This uncertainty, however, is to be reported to the Board of Revenue; and the measurement is not to be undertaken, but on the clearest grounds of the necessity of it.

General rule to be adopted in all practicable instances.

Measurement authorized in certain cases.

Exception to the above rules.

LXXXIV. From the above rules are to be excepted all lands heretofore paying revenue immediately to Government, which may have been held at a fixed jumma during the last twelve years; and the decennial settlement is to be concluded with the actual proprietors of such lands at the jumma hitherto paid by them, subject to such deduction as may be found equitable, on account of the sayer, resumed or abolished.

No abatement from the sudder jumma of 1196 to be confirmed without special sanction.

LXXXV. No abatement from the sudder jumma of 1196 is to be confirmed, without the special sanction of the Governor General in Council.

Principle to be observed in regulating the sudder kistbundy.

LXXXVI. The sudder kistbundy is to be so regulated as to afford the proprietors of land all possible convenience in the discharge of their revenue, with due regard to the security of Government.

Collectors to proceed with caution in the execution of these rules, and are expected to be able to furnish clear explanations of their proceedings.

LXXXVII. The Collectors are to proceed with due caution and information in the execution of these fundamental resolutions; and it is expected they will be able, when called upon, to furnish clear and satisfactory explanations of their proceedings, particularly on the amount of the assessment.

MIDNAPORE SPECIAL ORDERS.

In what cases the Collector is authorized to make alterations in the jumma of the past year.

LXXXVIII. The Collector is authorized to make alterations in the jumma of 1196, when, from good information and his own experience, it may appear necessary to render the jumma of the respective Zemindars, independent Talookdars, and other actual proprietors of land, more equal and proportioned to the resources of their lands.

Mode to be adopted to ascertain the necessity of granting remissions upon the last year's jumma.

LXXXIX. In order to ascertain the necessity of granting any remissions upon the jumma of 1196, the Collector is to examine the wassilaut and akrajaut, or the gross receipts and expenditures, comparing the one with the other, and checking the latter when exorbitant; and he is particularly to ascertain, to his full satisfaction, those instances in which the Zemindars, independent Talookdars, or other actual proprietors of land, have been under the necessity of selling their lands and effects to make good the amount of their stipulations.

Fine may be imposed on proprietors guilty of delays in giving the accounts which may be required in conformity to the preceding sections.

These cases to be reported to the Board of Revenue.

XC. To obviate and correct, as far as possible, any unnecessary or studied delays in the Zemindars and Talookdars, in giving the accounts required, he is authorized to impose a moderate fine upon such of them as may be guilty of delays or evasions, reporting the cases as they may occur to the Board of Revenue.

Measures authorized in cases of great doubt or uncertainty.

XCI. In cases of great doubt and uncertainty, the Collector is authorized to measure the lands, or make such mofussil investigations into the produce of them as he may deem necessary for ascertaining the truth.

Collector may grant remissions upon the jumma of the last year, but the settlement to be made subject to the confirmation of the Governor General in Council.

XCII. The Collector is authorized, upon the grounds of the information obtained in the mode above pointed out, to grant remissions upon the jumma of 1196, the Governor General in Council expecting that no remission will be allowed but upon satisfactory explanations of the necessity of it; but the settlement is to be made under an express reserve and limitation, that it be approved and confirmed by the Governor General in Council, and a declaration to this effect is to be made to the proprietors.

Estimated allowance for casual deficiency to be reduced, and in what proportion.

XCIII. The estimated allowance for casual deficiency upon the gross jumma is to be reduced from Rupees 1,30,477 to the sum of Rupees 50,546, which is three per cent. upon the gross jumma of 16,84,868. 5. 1, after deducting from it the article of batta.

Allowance for religious expenditures to be reduced, and rules for this reduction.

XCIV. The allowance for religious expenditures being enormous, shall also be reduced. The Governor General in Council does not mean to prescribe the exact amount of the reduction, but conceives that the sum now allowed will admit of a diminution of at least 35,000 rupees. The Collector, in fixing the assessment, is to regulate the estimate of the amount of it by this consideration. These charges being highest in the purgunnahs of Cossejurah, Shahpore, Midnapore, and Mynachoura, the reduction ought to be greatest in them.

Charges for purchasing provisions, &c. for the battalion, to be discontinued.

XCV. The charges of purchasing provisions for the battalion when in the town of Midnapore, and of firewood and grass when travelling, if such have been actually incurred by the proprietors of land, are to be discontinued, and no such charge shall be incurred by them in future.

Settlement to be made, as far as possible, in one neat sum, free of all charges of the nature herein specified.

XCVI. The settlement is to be made, as far as possible, in one neat sum, free from any charges of moshaira, zemindarry amlah, poolbundy, cutcherry, or other charges of a similar nature; it being intended that all charges incidental to the receipt of the rents of the lands, independent of the allowances of the officers of Government and expenses attending the collection of the public revenue, shall be defrayed by the proprietors from the produce of their lands.

Established zemindarry charges are to be paid by Collectors, except in certain cases.

XCVII. With respect to any of the existing established zemindarry charges, such as pensions, charitable allowances, or others, which it may be thought proper to continue, they are to be paid by the Collectors, and the proprietors are to have no concern in them; unless, for special reasons of convenience, it should be deemed more expedient, in any instance, to intrust the landholders with the disbursement of them.

Cases in which a russud may be allowed, and for what period.

XCVIII. Any occasional diminution of the jumma, which it may be necessary to allow on account of casualties of season, is to be restored by a russud or progressive increase; but no russud shall be established to extend beyond the third year of the settlement, except in the separated talooks and other petty mehals, in which the Board of Revenue may allow a further extension of the russud, if it shall appear to them expedient.

Every circumstance influencing the regulation of the jumma to be recorded.

XCIX. Every circumstance influencing the regulation of the jumma must be minutely recorded, to prevent any claims hereafter, on the part of the proprietors, for lowering the amount of it.

SALT DISTRICTS SPECIAL ORDERS.

In what respects the above regulations are not to be considered applicable to such of the salt districts as have been held khas.

C. The rules contained in the preceding sections of this Regulation, as far as they relate to the term of the settlement and the formation of it with the actual proprietors of land, are not to be considered as applicable to such of the salt districts as have been held khas in the past years, to facilitate the conduct of the business of the salt manufacture. These are to continue khas as heretofore, and the assessment of them is to be from year to year as hitherto, until the Governor General in Council shall think it proper to pass a Regulation to the contrary.

Pottahs, however, have been ordered to be prepared and delivered to the Ryots, conformably to the rules prescribed for Midnapore.

CI. The Collectors of the Revenue in the districts alluded to in the preceding section have been ordered to prepare and deliver pottahs to the Ryots, conformably to the rules prescribed in this Regulation, and within the period limited for the delivery of them in Midnapore.

A.D. 1793. REGULATION IX.

A REGULATION *for re-enacting, with Alterations and Modifications, the Regulations passed by the Governor General in Council on the 3d December 1790, and subsequent Dates, for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors:* PASSED *by the Governor General in Council on the 1st May 1793 (corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree.)*

I. PURSUANT to the Regulations passed by the President and Council on the 21st August 1772, criminal courts, denominated Foujdarry Adawluts, were established in the interior parts of the provinces for the trial of persons charged with crimes or misdemeanors; and the Collectors of the Revenue, who were covenanted servants of the Company, were directed to superintend the proceedings of the officers of those courts, and on trials to see that the necessary witnesses were summoned and examined, that due weight was allowed to their testimony, and that the decisions passed were fair and impartial. By the same Regulations, a separate and superior criminal court was established at Moorshedabad, under the denomination of the Nizamut Adawlut, for revising the proceedings of the provincial criminal courts in capital cases, and the Committee of Revenue at Moorshedabad was vested with a control over this court, similar to that which the Collectors of the Revenue were empowered to exercise over the provincial courts. Upon the abolition of the Committee of Revenue at Moorshedabad, the Nizamut Adawlut was removed to Calcutta, and placed under the charge of a Darogah or superintendent, subject to the control of the President of the Council, who revised the sentences of the criminal courts in capital cases. The above arrangements continued in force, without any considerable alteration, until the 18th October 1775, when the entire control over the department of criminal justice was committed to the Naib Nazim. The Nizamut Adawlut was, in consequence, re-established at Moorshedabad, and the Naib Nazim appointed native officers, denominated Foujdars, assisted by persons versed in the Mahomedan law, to superintend the criminal courts in the several districts, and to apprehend and bring to trial offenders against the public peace. This system was adhered to, without any material variation, until the 6th April 1781, when the institution of Foujdars not having answered the intended purposes, the general establishments both of Foujdars, and the Tannahdars or police officers acting under them, were abolished. Foujdarry courts, however, were continued in the several divisions, subject, as before, to the control of the Naib Nazim as superintendent of the Nizamut Adawlut, and the English Judges of the courts of Dewanny Adawlut were appointed magistrates, with a power to apprehend Decoits and persons charged with crimes or misdemeanors within their respective jurisdictions, and commit them to the nearest Foujdarry court for trial. With a view to enable Government to superintend, in some degree, the administration of justice in criminal cases, a separate department was at the same time established at the presidency, under the control of the Governor General, to receive monthly returns of the sentences passed in the Foujdarry courts; and for the assistance of the Governor General in this duty, a covenanted civil servant of the Company was appointed, with the official appellation of Remembrancer to the Criminal Courts. From the inefficacy, however, of the authority of the English magistrates over the Zemindars and other landholders, the administration of justice in criminal cases was much impeded, whilst the Regulation which vested the magistrates with the power of apprehending offenders, but without permitting them to interfere in any respect in the trials, gave rise to a new evil. The magistrates being obliged to deliver over to the Darogahs, or superintendents of the Foujdarry courts, all persons charged with a breach of the peace, however trivial, and a considerable time often elapsing before they were brought to trial, many of the lowest and most indigent classes of the people were frequently detained for a long period in prison, where their sufferings often exceeded the degree of their criminality. The magistrates, therefore, on the 27th June 1787, were vested with authority to hear and decide on complaints of petty affrays, abusive names, and other slight offences, and under certain restrictions, to inflict corporal punishment and impose fines on the offenders. But the numerous robberies, murders, and other enormities, which continued to be daily committed throughout the country, evincing that the administration of criminal justice was still in a very defective state; and as these evils appeared to result principally from the great delay which occurred in bringing offenders to punishment, and to the law not being duly enforced, as well as to other material defects in the constitution of the criminal courts; and as it was essential for the prevention of crimes, not only that offenders should be deprived of the means of eluding the pursuit of the officers of justice, but that they should be speedily and impartially tried when apprehended, the Governor General in Council passed certain Regulations on the 3d December 1790, establishing courts of circuit under the superintendence of English Judges, assisted by natives versed in the Mahomedan law, for trying in the first instance persons charged with crimes or misdemeanors, and enabling the Governor General and the members of the Supreme Council to sit in the Nizamut Adawlut (which was for that purpose again removed to Calcutta), and superintend the administration of criminal justice throughout the provinces. Those Regulations, with the subsequent amendments, are now re-enacted, with further alterations and modifications.

Judges of the zillah and city courts of Dewanny Adawlut to be magistrates in their respective jurisdictions.

II. The Judges of the Dewanny Adawlut of the several zillahs, and of the cities of Patna, Dacca, and Moorshedabad, shall hold the office of magistrate of the zillah or city under their respective jurisdictions. Previous to entering upon the execution of the duties of the office, they shall take and subscribe the following oath before the Governor General in Council, or any person whom he may commission to administer it:

Oath of the magistrates.

"I, A. B., appointed magistrate of the zillah (or city) of ...., solemnly swear, that I will, to the best of my ability, preserve the peace of "the zillah (or city) over which my authority extends; that I will act with "impartiality and integrity, and will not exact or receive, nor knowingly "allow any other person to exact or receive, directly or indirectly, any fee, "reward, or emolument whatsover, in the execution of, or on account of any "matter relating to the duties of my office, excepting such as the orders of "the Governor General in Council do or may expressly authorize; and that "I will perform the duties of my office according to the best of my knowledge, abilities, and judgment, conformably to the Regulations that have "been or may be passed by the Governor General in Council: So help me "God."

Special jurisdiction of the magistrates of the several zillahs and cities.

III. The special jurisdiction of the magistrates of the cities of Patna, Dacca, and Moorshedabad, is to extend throughout those cities, respectively, and the places adjacent, that now are or may be subjected to their immediate authority. The special jurisdiction of the magistrates of the several zillahs is to extend throughout the districts included in the zillahs in which they are respectively stationed. Provided, however, that the special jurisdiction of the magistrates of the zillahs of Behar proper, Dacca Jelalpore, and Moorshedabad, be not held to extend to the cities of Patna, Dacca, or Moorshedabad, nor to any places adjacent thereto, which now are, or may be included in the special jurisdiction of the magistrates of those cities; and that the magistrate of the Twenty-four Purgunnahs be not considered to have any jurisdiction or authority whatever in the town of Calcutta, or any places adjacent within the limits of the jurisdiction of the Supreme Court of Judicature.

Magistrate to apprehend all robbers and other persons charged with crimes or misdemeanors.

IV. It shall be the duty of the magistrate to apprehend murderers, robbers, thieves, house-breakers, all disturbers of the peace, and persons charged before him with crimes or misdemeanors.

Magistrate to apprehend offenders upon complaints being preferred in writing, and the prosecutor swearing to the charge.

What the warrant is to contain.

Prisoner to be examined, but not upon oath, and his deposition to be committed to writing.

V. Upon a complaint in writing being preferred to the magistrate against any person for murder, robbery, or any crime or misdemeanor, the magistrate, upon the party complaining making oath to the truth of the complaint, shall issue a warrant, under his seal and signature, for the apprehension of the person complained against, in which shall be specified the crime or misdemeanor with which he may have been charged. Upon the prisoner being brought before the magistrate he shall inquire into the circumstances of the charge, and examine the prisoner and the complainant, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alleged against the prisoner, and commit their respective depositions to writing. The complainant and the witnesses shall be examined upon oath, but the prisoner shall not be required to swear to the truth of his deposition. After this inquiry, if it shall appear to the magistrate that the crime or misdemeanor charged against the prisoner was never committed, or that there is no ground to suspect him to have been concerned in the committing of it, the magistrate shall cause him to be forthwith discharged, recording his reasons for releasing him, and submitting them to the court of circuit, with the calendar ordered to be prepared in Section XVII. On the contrary, if it shall appear to the magistrate that the crime or misdemeanor was actually committed, and that there are grounds for suspecting the prisoner to have been concerned in the perpetration of it, the magistrate shall cause him to be committed to prison or held to bail (according as the offence may be bailable or not), to take his trial at the next session of the court of circuit, and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence. All bail-bonds for prisoners released upon bail, and the recognizances required to be taken from prosecutors and witnesses, shall be for a specific sum, the amount of which shall be determined by the magistrate, upon a due consideration of the case and the circumstances and situation in life of the parties, and shall contain a clause declaring the amount forfeited to Government in the event of the condition of it not being performed.

Prosecutor and his witnesses to the charge to be examined upon oath, and their depositions to be committed to writing.

Magistrate to discharge the prisoner, if after inquiry there shall not appear to him sufficient grounds for commitment, recording his reasons for so doing, and submitting them to the Judges at the next assizes.

Magistrate to commit the prisoner, or to hold him to bail to take his trial, if there shall appear to him sufficient grounds for so doing.

All bail-bonds and recognizances to be for specific sums, to be forfeited upon non-performance of the conditions.

Rule for determining the amount of such sums.

VI. The magistrates, upon receiving any charge, are to be careful to ascertain from the complainant, and to record upon their proceedings, on what day of the month, in what year, and at what time of the day or night, the act complained of was committed. And when a prisoner confesses before them the crime or misdemeanor with which he may have been accused, or confirms any former confession that he may have made of his having committed such crime or misdemeanor, the magistrates are to be careful to have such confession, or confirmation of a former confession, witnessed by as many of their officers, or other creditable persons who may be present at the time it may be made, as the Mahomedan law requires to give it validity, and to cause such witnesses to be in attendance at the next sessions of the court of circuit. But the magistrates are strictly enjoined to satisfy themselves that all confessions made by prisoners are free and voluntary; and notwithstanding such confessions, they are invariably to summon, and bind over to attend at the next sessions, the witnesses to the commission of the crime or misdemeanor alleged against the prisoner, that they may be examined before the court of circuit, in the same manner as if the prisoner had denied the charge. The magistrates are further required to take special care that persons upon being apprehended are not made to suffer corporal punishment, or otherwise ill-treated, under the pretence of compelling them to answer truly, to questions that may be put to them, or under any other pretext whatever.

Points to be attended to by the magistrates in their inquiries into charges preferred to them.

To ascertain and record the date and the year in which the alleged crime was committed, and the time of the day or night.

Prisoner's confessions, or confirmations of former confessions, to be attested by the number of witnesses the Mahomedan law requires to render them valid.

To have such witnesses in attendance at the next sessions.

To be careful that the confessions of prisoners, or their confirmations of former confessions, are free and voluntary.

Notwithstanding such confessions, to bind over all witnesses to the alleged crime to appear at the next sessions.

To take special care that prisoners suffer no ill-treatment after apprehension, to compel them to speak the truth, or for other purpose.

VII. Persons accused of murder, robbery, house-breaking, theft, or counterfeiting of the coin, provided there shall appear sufficient grounds for committing them for trial, shall not be admitted to bail.

Crimes which are not bailable.

VIII. The magistrates are empowered to hear and determine, without any reference to the courts of circuit, all complaints or prosecutions brought before them for petty offences, such as abusive language, calumny, inconsiderable

Misdemeanors which the magistrates are authorized to try, assaults or affrays, and to punish the offender, when convicted, by committing him to prison for a term not exceeding fifteen days, or by imposing a fine upon him; but the fine in no case to exceed the sum of fifty sicca rupees, unless the offender be a Zemindar, independent Talookdar, or other actual proprietor of land, paying an annual revenue to Government of more than ten thousand sicca rupees, or a proprietor of ayma land paying a quit revenue to Government exceeding five hundred sicca rupees per annum, or of lakeraje land, the annual produce of which may be above one thousand sicca rupees; in which cases, such offender shall be liable to a fine not exceeding two hundred sicca rupees. The magistrate is to fix the amount of the fine, under the limitations prescribed, upon a due consideration of the nature of the case and the situation and circumstances in life of the offender.

and the punishment which they are empowered to inflict for such offences.

Crimes which the magistrates are also authorized to try under the restrictions herein specified,

and the punishment which they are empowered to inflict for such crimes.

IX. The magistrates are authorized to hear and determine, without any reference to the courts of circuit, all complaints or prosecutions brought before them for petty thefts, when they shall not have been attended with any aggravating circumstances, or committed by persons of notorious bad characters, and to inflict upon the offenders corporal punishment not exceeding thirty rattans, or commit them to prison for a term not longer than one month, according as they may think proper upon a consideration of the circumstances of the case.

Punishment to be inflicted on the complainants in the cases specified in Sections VIII. and IX. where complaints are proved to be litigious, vexatious, or groundless.

X. Where the complaints specified in Sections VIII. and IX. shall appear to the magistrate to be litigious, vexatious, or groundless, he is authorized to punish the complainant, by fine or imprisonment, under the limitations and restrictions prescribed for the punishment of the offences specified in Section VIII.

Notice that the magistrates are to give of the time by which the Judges of Circuit expect to arrive at their stations.

XI. The magistrates, upon receiving notice from the Judges of the courts of circuit of the time by which they expect to arrive at their respective stations, shall cause public notice of it to be given, by a written publication, requiring all persons discharged upon bail, and all prosecutors and witnesses who may have been bound over to appear, to attend by the date fixed for the arrival of the court of circuit, under the penalty of forfeiting their recognizances in the event of their not attending. The magistrates shall send a copy of this publication to the Cauzy of each purgunnah, and cause a copy of it to be fixed up in some public place in the principal town or village in each purgunnah in their respective zillahs.

Magistrates to be careful to cause the witnesses on the part of persons committed or held to bail to take their trial, to be in attendance by the time of the arrival of the court of circuit.

XII. The magistrates, previous to the arrival of the courts of circuit at their respective stations, shall ascertain from the persons committed or held to bail to take their trial, the names and places of abode of any witness or witnesses they may wish to have examined in their defence, and shall issue the customary process to cause such witnesses to attend at the time fixed for the trial of the persons in whose behalf they may be summoned.

Form of the calendar of the prisoners committed or held to bail to take their trial, to be submitted by the magistrates to the courts of circuit, upon their arrival at their respective stations.

XIII. The magistrates are to have in readiness to deliver to the Judges of the courts of circuit, upon their arrival at their respective places of residence, a calendar in the English and Persian languages, according to the following form:

CALENDAR of the Prisoners committed, or held to Bail, by the Magistrate of the Zillah of ...., to take their Trial before the Court of Circuit for the Division of ....

No.	Names of the parties.	Abstract of the charges, and date on which they were preferred.	Date of the apprehension of the offenders.	Names of the prosecutor's witnesses.	Abstract of the examination, grounds, and date of commitment for trial.	Names of prisoners held to bail.	Names of the witnesses on the part of the prisoners.
1.	Nety Paramanick, Prosecutor, *vrs.* Neetoo and Dammoo, Prisoners.	For the murder of Nemy, the prosecutor's son, 15th February 1791.	21st February 1791.	Heroo, Behadur, Rommoo.	Neetoo and Dammoo plead not guilty. Committed for trial on the 25th February 1791, on the grounds of the depositions of the witnesses.	Neetoo.	Seedoo and Jaggernaut.

A similar calendar is to be submitted to the courts of circuit by the magistrates of the cities of Patna, Dacca, and Moorshedabad, and by the magistrates of the zillahs of the Twenty-four Purgunnahs, Moorshedabad, and Dacca Jelalpore, at every gaol delivery that may take place at their respective stations. The magistrates above-mentioned are to observe carefully the rules contained in Section XII. at each gaol delivery, and the magistrates of the three cities are to cause the publication prescribed in Section XI. to be fixed up in due time, previous to the commencement of each session, in the office of the Cutwal and of the Darogah of each ward.

Documents which are to accompany the calendar.

XIV. The calendar is to be accompanied with the magistrate's proceedings on each charge, which shall contain the following vouchers, or as many of them as, from the nature and circumstances of the case, may be requisite and procurable, with such other papers and documents as the magistrate may have in his possession, or judge necessary to be obtained for the information of the court of circuit.

An attested copy of the complaint or charge.

An attested copy of the plaintiff's oath to the truth of the charge, in which is to be inserted, in cases of robbery and theft, the inventory of the money or property stolen or plundered, with the amount, or computed value of it.

The prosecutor's recognizance to appear and prosecute to the charge.

A copy of the warrant prescribed in Section V. for the apprehension of the offenders; or in case the charge should have been preferred in the first instance to any of the Darogahs of the police jurisdictions or wards, a copy of such Darogah's proceedings.

The name or names of the person or persons apprehended.

The examination of the person or persons apprehended.

The further examination of the prosecutor on oath, in cases where any such examination may have been taken.

A list of the witnesses summoned by the desire of the prosecutor, particularizing the names of such as may be in attendance and those who are absent, with the cause of the non-attendance of the latter.

The recognizances of the prosecutor's witnesses.

The depositions of the witnesses who may have been in attendance.

The names of the witnesses who may have been summoned at the requisition of the prisoner, specifying those who are in attendance and such as are absent, and the cause of the non-attendance of the latter.

Rules respecting examinations taken before the magistrate.

XV. All examinations taken before the magistrate are to be written on separate papers, signed by the deponents, attested by the signature of the magistrate, and arranged according to their respective dates.

Depositions to be taken and written in the language in which the deponent is most conversant.

Bengal papers to be accompanied by a Persian translation, which is to be compared with the original by the officers of the court of circuit.

XVI. All examinations and depositions are to be taken and written in the language in which the deponents are most conversant; and the magistrates shall accompany all papers written in the Bengal language with a translation in the Persian language, which translation is to be compared with the original by the officers of the court of circuit.

Two further calendars to be submitted by the magistrates to the courts of circuit, viz. First, calendar of the prisoners discharged for want of sufficient evidence to warrant committing them for trial, with their reasons for having released them; Second, calendar of persons apprehended by them for crimes or misdemeanors which they are empowered to decide.

XVII. The magistrates are to lay before the courts of circuit, upon their arrival at their respective places of residence, two separate calendars. The first, containing a list of all persons whom they may have apprehended and discharged for want of sufficient evidence to warrant the committing them to prison or holding them to bail, to take their trial for the crime or misdemeanor charged against them, and accompanied with their reasons for having released them, as prescribed in Section V. The second, comprising a list of the persons whom they may have apprehended for crimes or misdemeanors cognizable by them, the crime or misdemeanor with which the prisoners may have been charged, and the sentence passed upon them. Similar calendars are to be submitted to the courts of circuit by the magistrates of the cities of

Patna, Dacca, and Moorshedabad, and the zillahs of the Twenty-four Pergunnahs, Moorshedabad, and Dacca Jelalpore, at every gaol delivery that may take place at their respective stations. These calendars are to be accompanied with all the original papers and proceedings in each case; and if the court of circuit shall be of opinion that any of the persons mentioned in the first calendar have been discharged, or the persons specified in the second calendar released or punished upon insufficient grounds, they are to report the circumstances, with their opinion on the case, to the Nizamut Adawlut.

What papers and proceedings are to accompany these calendars.

Courts of circuit to report to the Nizamut Adawlut every instance in which the prisoners in the first calendar have been discharged, or the prisoners in the second released or punished, upon insufficient grounds.

XVIII. If the magistrate shall commit any Zemindar, independent Talookdar, or other actual proprietor of land, to be tried before the court of circuit, he is to notify the commitment to the Collector of the zillah, that, if necessary, he may take measures to prevent any delay in the payment of the public revenue assessed upon the lands of the offender.

Magistrates to notify the commitment of proprietors of land to the Collector of the zillah.

XIX. In the event of any act being committed by a European British subject which may render him an object of a criminal prosecution in the Supreme Court of Judicature, to which court alone European British subjects are amenable in such cases, the magistrate, upon information of the act being lodged before him upon oath, is to apprehended such British subject, and to make inquiry into the circumstances of the charge without delay. After such inquiry, if he shall be satisfied in his own mind that there are sufficient grounds for committing such British subject for trial, he is immediately to convey him under safe custody to one of the Judges of the Supreme Court of Judicature, and to report the circumstances of the case for the information of the Nizamut Adawlut. He is likewise to bind over the complainant to repair to Calcutta before the session next ensuing, to prosecute, and to take security from the witnesses for their appearance at the trial. In case of the inability of the prosecutor or the witnesses to defray the charge of the journey, the magistrate is to state to the Nizamut Adawlut what pecuniary assistance he would recommend being granted to them. All Europeans not British subjects are amenable, equally with the natives, to the authority of the magistrate, and to the courts of circuit, for trial, before which they may be committed.

How European British subjects, charged with crimes or offences committed out of the jurisdiction of the Supreme Court of Judicature, are to be dealt with.

Security to be taken from the complainant and witnesses in the above cases to appear before the Supreme Court, and pecuniary assistance to be afforded them if necessary.

All Europeans not British subjects amenable to the criminal courts equally with the natives.

XX. The magistrate is to visit the gaol at least once in every month, and redress all well-founded complaints of ill treatment which may be preferred to him by the prisoners against the gaoler, or any officers having charge of them. He is to be particularly attentive to the health and cleanliness of the prisoners, and to see that the surgeon of the station attends and administers to the sick.

Magistrates how often to visit the gaol.

To redress all well-founded complaints of the prisoners against the officers who have the charge of the gaol.

To attend particularly to the health and cleanliness of the prisoners.

XXI. Separate apartments in the gaol are to be allotted for the following descriptions of prisoners:

Prisoners under sentence of death.

Prisoners sentenced to confinement by the court of circuit or the Nizamut Adawlut.

Prisoners committed to take their trial before the court of circuit.

Prisoners sentenced to confinement by the magistrate for petty crimes or misdemeanors cognizable by him.

Descriptions of prisoners ordered to be confined in separate apartments.

And as the crimes proved or alleged against the second or third descriptions of prisoners must be of different degrees of atrocity, the magistrates are

Further descriptions of prisoners to be confined in separate apartments.

required to separate those who have been found guilty or accused of heinous crimes, from such as have been convicted of or charged with crimes of less magnitude. They are likewise to separate the male from the female prisoners, so as to prevent them having any communication with each other; and the rules prescribed in this section, for keeping apart the several descriptions of the former, are to be considered applicable also to the latter. The magistrates are further enjoined to endeavour to prevent drunkenness, gaming, and other immoralities being practised in the gaols.

Females to be kept separate from male prisoners in all cases.

Pecuniary compensations ordered by the court of circuit to be levied by the magistrate in his capacity of civil judge, by the process prescribed for enforcing decrees of the Dewanny Adawlut.

XXII. Where the sentence of the court of circuit directs a pecuniary compensation to be made to the party injured, the magistrate, in his capacity of civil judge, is to cause the sentence to be carried into execution, according to the rules, and by the process prescribed for enforcing his decisions in the court of Dewanny Adawlut.

Charges, and the orders passed upon them by the magistrates, to be recorded in English and in the Persian or Bengal language.

XXIII. All complaints or charges, with the orders upon them, are to be recorded in the office of the magistrate in English, and in the Persian or Bengal language.

A reward of ten rupees to be paid for every Decoit apprehended and convicted.

XXIV. The magistrates are to give a reward of ten sicca rupees for every Decoit that may be apprehended and delivered into their custody, to be paid upon the conviction of the offender.

Magistrates to pay to persons released, after a confinement of six months or upwards, a sum sufficient for a month's subsistence, if they stand in need of it, but so as in no case to exceed five rupees.

XXV. The magistrates are to pay to all persons who may be released from gaol, after an imprisonment of six months or upwards, calculating from the date of their sentence, and who shall appear to be in actual need of such assistance, a sum sufficient to maintain them for one month. The sum to be paid to each individual is to be regulated by his situation in life; but it is, in no case, to exceed five rupees, and in every instance is to be confined as much within that amount, as may be consistent with the purpose for which the allowance is granted.

Magistrates to pay to prosecutors and witnesses two annas per day each, if they stand in need of it, during their attendance on the court of circuit, and for as many days as may be necessary for them to come from, and return to their respective homes.

XXVI. The magistrates are to pay to all prosecutors and witnesses who may appear to be actually in need of such assistance, a daily allowance of two annas each, during their attendance on the court of circuit; and the same allowance for as many days as, in their opinion, may be sufficient for such prosecutors and witnesses to come from, and return to their respective homes.

Magistrates to pay the customary diet money to prisoners from the time of their apprehension to the date of their discharge.

XXVII. The magistrates are to pay the customary daily subsistence money to all prisoners, from the time of their apprehension to the date of their discharge.

Magistrates to transmit the following monthly report, so as to arrive in Calcutta by the 20th of the ensuing month.

XXVIII. The magistrates are to transmit to the Register to the Nizamut Adawlut the under-mentioned monthly report, drawn out according to the English months, and in the following form. The report for each month is to be despatched from the several stations, so as to arrive at Calcutta by the 20th of the ensuing month.

Report of Persons apprehended in the Zillah (or City) of.................... in the Month of ....

No.	Name.	Abstract of the crime or charge.	Date of apprehension.	Punished, and in what manner.	Released, or if allowed a fine.	Committed, and the date of commitment.	Before what Court of Circuit to be tried.
1	Mahomed.	For assaulting and beating Khosaul.	1st Jan. 1791.	15 Rattans.			
2	Sakoor.	For assaulting Beechoo.	2d Jan. 1791.	....	Allowed ten rupees, the complaint being groundless.		
3	Jeetoo.	For the murder of Khosaul.	3d Jan. 1791.	....	....	Committed 6th Jan. 1791.	Division of ....

Abstract :—Punished 1
Released 1
Committed 1
TOTAL.............. — 3

XXIX. As it may sometimes happen, that just before the close of the month a greater number of persons charged with crimes may be brought before the magistrates than they are able to examine and proceed with, as prescribed, previous to the expiration of it, the magistrates in such cases (the occurrence of which, however, it is expected they will use their utmost exertions to prevent) are to insert the names of all persons in that predicament in the above report of persons apprehended, in an additional column, under the head of "not examined."

Prisoners apprehended and not examined, to be inserted in the above report, in an additional column, under the head of "not examined."

Magistrates to endeavour to prevent the occurrence of the case herein provided for.

XXX. The magistrates are to transmit to the Register to the Nizamut Adawlut the under-mentioned monthly reports, drawn out according to the English months and in the following forms. The reports for each month are to be despatched from the several stations, so as to arrive at Calcutta by the 20th of the ensuing month.

Magistrates to transmit the under-mentioned monthly reports so as to arrive in Calcutta by the 20th of the ensuing month.

Report of Casualties, and of Prisoners released, in the Zillah (or City) of ...., in the Month of ....

No.	Name.	Crime.	Removal, and to what place, and when.	Natural death, and when.	Escaped, and when.	Released, and when.
1	Mahomed.	Murder.	....	20th May 1791.		
2	Maussoom.	Theft.	....	....	21st May 1791.	
3	Sukoor.	House-breaking.	To Boglipore, 22d May 1791.			
4	Jetoo.	Assault.	....	....	....	4th May 1793.

Report of Prisoners on whom Sentence has been passed by the Court of Circuit for the Division of ...., in the Month of ...., without reference to the Nizamut Adawlut.

No.	Name.	Date of commitment.	Crime.	Date of the trial.	Sentence.	Sentence when passed.	When enforced.
1	Mahomed.	1st Jan. 1791.	Theft.	1st May 1791.	10 Rattans.	2d May 1791.	3d May 1791.
2	Harroo.	2d Jan. 1791.	House-breaking.	2d May 1791.	Imprisonment for one year.	3d May 1791.	4th May 1791.
3	Buxoo.	3d Jan. 1791.	Beating Mogoo.	3d May 1791.	To pay the prosecutor five rupees and be released.	4th May 1791.	5th May 1791.
4	Aman-ullah.	4th Jan. 1791.	Theft.	4th May 1791.	To be released.	5th May 1791.	6th May 1791.

Abstract:—Punished with stripes.................... 1
Imprisoned.................................... 1
Fined 1
Released 1
Total.......... — 4

Report of Prisoners tried, and whose Causes have been referred to the Nizamut Adawlut in the present and former Months, and on whom the Sentence of that Court has not been received.

No.	Name.	Date of commitment.	Crime.	Date of the trial.	When referred.
1	Dulal.	1st Dec. 1790.	Murder.	1st Jan. 1791.	2d Jan. 1791.
2	Shuboo.	2d April 1791.	Decoiting.	2d May 1791.	3d May 1791.

Abstract:—Referred in former months................ 1
Referred in the present month.......... 1
Total.......... — 2

Report of the Sentences of the Nizamut Adawlut received in the present Month upon References made in the current and former Months.

No.	Name.	Date of commitment.	Crime.	Date of reference.	Sentence.	Sentence when passed.	When enforced.
1	Mahomed.	1st Jan. 1791.	Murder.	2d April 1791.	Death.	15th May 1791.	26th May 1791.
2	Dulal.	2d Jan. 1791.	Decoiting.	3d May 1791.	Imprisonment for life.	16th May 1791.	27th May 1791.
3	Naudar.	3d Jan. 1791.	Burglary.	4th May 1791.	Imprisonment for ten years.	17th May 1791.	28th May 1791.
4	Sukoor.	4th Jan. 1791.	Man-slaughter.	5th May 1791.	To be confined five years.	18th May 1791.	29th May 1791.
5	Maussoom.	5th Jan. 1791.	Robbery.	6th May 1791.	Thirty-nine stripes with the korah.	19th May 1791.	30th May 1791.
6	Jowdie.	6th Jan. 1791.	Theft.	7th May 1791.	To be released.	20th May 1791.	31st May 1791.

Abstract:—Death.. 1
Imprisonment for life........................ 1
Temporary imprisonment 1
Stripes 1
To pay the deyat................................ 1
Released 1
Total.............. — 6

Report of Prisoners under the Charge of the Magistrate to be tried.

No.	Name.	Crime.	Date of commitment.	Trial commenced, and when.	Trial not commenced.	At large upon bail.	In gaol.
1	Mahomed.	Theft.	1st May 1791.	Commenced 30th May 1791.	....	....	In gaol.
2	Sukoor.	House-breaking.	2d May 1791.	....	Not Commenced.	At large upon bail.	

Abstract:—In confinement 1
At large upon bail 1
Total.............. — 2

The following report of prisoners confined under sentence, is to be transmitted to the Nizamut Adawlut by the magistrates of the zillahs, and the cities of Patna, Dacca, and Moorshedabad, twice in each year. The magistrates of the zillahs (excepting the magistrates of the Twenty-four Purgunnahs, Moorshedabad, and Dacca Jelalpore) are to forward the report within twenty days after the Judges have finished the business of the circuit at their respective stations. The magistrates of the cities of Patna, Dacca, and Moorshedabad, and the zillahs of the Twenty-four Purgunnahs, Moorshedabad, and Dacca Jelalpore, are to forward the report within twenty days after the completion of the first gaol delivery that may take place at their respective stations, upon the return of the Judges from the circuit of the zillahs.

Magistrates to transmit two half-yearly reports.

Report of Prisoners confined under Sentence to the .... of...............

No.	Name.	Imprisonment for life.	Temporary imprisonment.	Date of commitment.	Sentence when passed.
1	Mahomed.	I. L.	....	1st October 1790.	1st January 1791.
2	Maussoom.	....	6 months.	2d October 1790.	2d January 1791.

Abstract:—Imprisonment for life 1
Temporary imprisonment 1
Total.............. — 2

XXXI. For the trial of persons charged with crimes or misdemeanors there shall continue four courts of circuit, to be denominated, as heretofore, the courts of circuit for the divisions of Patna, Dacca, Moorshedabad, and Calcutta.

Four courts of circuit for the trial of crimes and misdemeanors. Their denominations.

XXXII. The jurisdiction of the courts shall extend over the cities and zillahs hereafter specified.

Jurisdiction of the court for each division.

Jurisdiction of the Court of Circuit for the Division of Patna.

The city of Patna, and the zillahs of Ramgur, Behar proper; Tirhoot, Sarun, and Shahabad.

Patna.

Jurisdiction of the Court of Circuit for the Division of Dacca.

Dacca,

The city of Dacca, the zillahs of Sylhet, Momensing, Dacca Jelalpore, Tipperah, and Chittagong.

Jurisdiction of the Court of Circuit for the Division of Moorshedabad.

Moorshedabad,

The city of Moorshedabad, and the zillahs of Moorshedabad, Boglepore, Rajeshahy, Purneah, Dinagepore, Rungpore, and the districts under the superintendence of the Commissioner of Cooch Behar, which are not included in the independent territories of the Rajah of Cooch Behar.

Jurisdiction of the Court of Circuit for the Division of Calcutta.

and Calcutta.

The zillahs of Nuddea, Beerbhoom, Burdwan, Midnapore, the salt districts, Jessore, the Twenty-four Purgunnahs, and such of the districts under the Collector of the town of Calcutta, as are not within the jurisdiction of the Supreme Court of Judicature.

Judges of the provincial courts of appeal to be Judges of circuit.

XXXIII. The Judges of the provincial courts of appeal are to be Judges of the courts of circuit in their respective divisions.

Oath to be taken and subscribed by the Judges of circuit.

XXXIV. The Judges of the courts of circuit, previous to entering upon the execution of the duties of their office, are to take and subscribe the following oath before the Governor General in Council, or such person as he may commission to administer it.

"I, A.B., solemnly swear, that I will truly and faithfully execute the "duties of Judge of the court of circuit for the division of ....; that "I will administer justice according to the Regulations that have been or may "be enacted by the Governor General in Council, to the best of my ability, "knowledge and judgment, without fear, favour, promise, or hope of "reward; and that I will not receive, directly or indirectly, any present or "nuzzer, either in money or in effects of any kind, from any party in any "suit or prosecution, or from any person whomsoever, on account of any suit "or prosecution to be instituted, or which may be depending, or have been "decided in the court of circuit of which I am Judge; nor will I knowingly "permit any person or persons under my authority, or in my immediate ser-"vice, to receive, directly or indirectly, any present or nuzzer, either in "money or in effects of any kind, from any party in any suit or prosecution, "or from any person whomsoever, on account of any suit or prosecution to "be instituted, or which may be depending or have been decided in the said "court; nor will I, directly or indirectly, derive any advantage or emolu-"ment from my station, excepting such as the orders of Government do or "may authorize: So help me God."

Registers and Assistants to the Registers of the provincial courts of appeal to be Registers and Assistants to the Registers to the courts of circuit.

XXXV. The Registers, and the Assistants to the Registers of the provincial courts of appeal, shall be Registers and Assistants to the Registers of the courts of circuit in the several divisions. Previous to entering upon the execution of the duties of their office, they shall take and subscribe the following oath before the court of circuit to which they may be respectively attached.

Oath to be taken and subscribed by them.

"I, A.B., Register (or Assistant to the Register) to the court of circuit for "the division of ...., solemnly swear, that I will truly and faithfully "perform the duties of Register (or Assistant to the Register) to this court, "according to the best of my knowledge and ability, and that I will not receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any suit or prosecution to be instituted, or which may be depending or have been decided in the court of circuit of which I am Register (or to the Register of which I am Assistant), nor will I, directly or indirectly, derive any advantage or emolument whatever from my office, excepting such as the orders of the Governor General in Council do or may authorize: So help me God."

Cauzies and Mufties to the courts of appeal to be Cauzies and Mufties to the courts of circuit.

XXXVI. The Cauzies and Mufties of the provincial courts of appeal shall also be Cauzies and Mufties of the courts of circuit in the several divisions, and shall not be removable, except on proof, to the satisfaction of the Governor General in Council, that they are incapable, or have been guilty of misconduct in the performance of their public duty, or of any act of flagrant profligacy in their private conduct.

Oath to be taken and subscribed, by the Cauzies and Mufties upon their first appointment.

XXXVII. The Cauzies and Mufties of the courts of circuit, previous to entering upon the execution of the duties of their offices, are to take and subscribe the following oath before the court of circuit to which they may be respectively attached:

"I, A.B., Cauzy (or Mufty) of the court of circuit for the division of ...., solemnly swear, that I will truly and faithfully perform the duties of Cauzy (or Mufty) of the court according to the best of my knowledge and ability; and that I will not receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any suit or prosecution, to be instituted, or which may be depending or have been decided in the court of circuit of which I am Cauzy (or Mufty); nor will I, directly or indirectly, derive any advantage or emolument from my office, excepting such as the orders of Government do or may authorize."

Half-yearly oath to be taken and subscribed by the Cauzies and Mufties.

XXXVIII. At the expiration of every six months, that is, on the 1st of January and the 1st of July in each year, the Cauzies and Mufties of the courts of circuit shall take and subscribe the following oath:

"I, A.B., Cauzy (or Mufty) of the court of circuit for the division of ...., solemnly swear, that from the 1st of January to the 30th June last (or from the 1st July to the 31st December last), I have truly and faithfully executed the duties of Cauzy (or Mufty) of this court according to the best of my knowledge and ability, and that I have not received, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any suit or prosecution, which has been or is to be instituted, or is depending, or has been decided, in the court of circuit of which I am Cauzy (or Mufty); nor have I, directly or indirectly, derived any advantage or emolument from my office, excepting such as the orders of Government have authorized me to receive."

Serishtadars and other native officers of the provincial courts of appeal, to be Serishtadars and officers of the courts of circuit.

XXXIX. The Serishtadars, and the other native officers of the provincial courts of appeal, shall be Serishtadars and officers of the courts of circuit of the divisions to which they are respectively attached.

Two general gaol deliveries to be made annually in each zillah. Judges to make two

XL. There shall be two general gaol deliveries annually in each zillah (excepting the zillahs of the Twenty-four Purgunnahs, Moorshedabad, and Dacca Jelalpore); for which purpose the Judges shall make two circuits in each year, setting circuits for that purpose, setting out on the first circuit on the 1st April, and on the second on the 1st of November.

setting out on the first circuit on the 1st of April and on the second on the 1st of November. The Judges shall proceed to the places of residence of the magistrates of the several zillahs in their respective divisions, with the exception of the three zillahs above-mentioned, and unless it be found indispensably necessary, from the non-attendance of any material evidence or other sufficient cause, to postpone any trial until a future session, shall remain at each station until all persons committed or held to bail for trial by the magistrate shall have been tried, and (in matters on which sentence is directed to be passed by the Judges) sentence shall have been passed upon them, or (in cases in which the Judges are not authorized to pass sentence) the trial shall have been referred to the Nizamut Adawlut.

Judges to remain at the stations of such magistrates until all the prisoners whose trials can be completed are tried, and sentence upon them is passed, or their cases are referred to the Nizamut Adawlut.

Three Judges to form themselves into two courts in making the circuit of the zillahs, one to be superintended by the first Judge, and the other by the second and third Judge.

Register and Mufty to accompany the first Judge, and the head Assistant and Cauzy the second and third Judge.

XLI. To expedite the half-yearly gaol deliveries in the zillahs, the Judges of circuit in each division shall form themselves into two courts, one to be superintended by the first Judge, and the other by the second and third Judge. The Register and the Mufty shall accompany the first Judge, and the senior Assistant to the Register and the Cauzy shall attend the second and third Judge. The courts so formed shall proceed to the under-mentioned stations:

Stations in each division to which the two courts respectively are to proceed.

Division of Patna.

One court: Tirhoot, Sarun, and Shahabad.
One court: Behar proper and Ramgur.*

Division of Dacca.

One court: Sylhet and Momensing.
One court: Tipperah, Chittagong, and Backergunge.

Division of Moorshedabad.

One court: Dinagepore, Rungpore, and the districts under the Commissioner at Cooch Behar, exclusive of the independent territories of the Rajah of Cooch Behar.
One court: Purneah, Boglepore, and Rajeshahy.

Division of Calcutta.

One court: Nuddea and Jessore.
One court: Midnapore, including the salt districts, Burdwan, and Beerbhoom.

Two courts to proceed alternately to the prescribed stations.

XLII. The two courts in each division so formed, shall proceed alternately to the stations specified in the preceding section, that they may never make two circuits successively to the same stations.*

One judge sufficient to form a court.

Two courts in each division by whom to be superintended, in the event of either of the Judges not being able to go the zillah circuit.

XLIII. One Judge shall be sufficient to form a court. If the first Judge shall be absent from his division, or shall be unable to proceed on the circuit from indisposition or other cause, the second Judge shall make the circuit in the room of the first Judge, and the third Judge shall perform the circuit with the other court. If the third Judge shall be absent from his station, or shall be unable to proceed upon the circuit, the second Judge shall make the circuit alone. But no Judge shall absent himself from his station without obtaining the previous sanction of the Nizamut Adawlut for that purpose; nor in the event of his being present at his station, omit going the circuit, unless he should be unable to proceed upon it from indisposition or other unavoidable impediment, the earliest notice of which is to be transmitted to the above-mentioned court.

Judges of circuit for the divisions of Patna, Dacca, and Moorshedabad respectively, to repair immediately to the cities, after finishing the circuits of the zillahs, and to make the gaol deliveries in the cities, and in the zillahs of Moorshedabad and Dacca Jelalpore.

XLIV. When the Judges in the divisions of Patna, Dacca, and Moorshedabad, have completed the circuit in the several zillahs in which half-yearly gaol deliveries are directed to take place, they shall respectively repair without delay to Patna, Dacca, and Moorshedabad. The Judges for the division of Patna, immediately upon their return, shall proceed to try all persons committed or held to bail to take their trial in the city of Patna. The Judges of the division of Moorshedabad shall, in like manner, proceed to try all persons committed or held to bail to take their trial in the city and the zillah of Moorshedabad; and the Judges of the division of Dacca, all persons committed or held to bail to take their trial in the city of Dacca and the zillah of Dacca Jelalpore. On the first of the month, next but one after the month in which the Judges may return to the cities at which they are respectively stationed, and on the first of every succeeding month, until they proceed again upon the half-yearly circuits, they shall hold a court of general gaol delivery for the said cities, and the Judges of the divisions of Moorshedabad and Dacca, for the zillahs of Moorshedabad and Dacca Jelalpore, and continue to sit until they have completed the business of the monthly session. Agreeably to the above rule, if the Judges of the several divisions shall return from the circuit to the cities by the 15th of January, they are to proceed respectively to try all the prisoners committed or held to bail for trial, in the cities and the zillahs of Moorshedabad and Dacca Jelalpore, and to hold another court of gaol delivery on the 1st March, and on the first of every succeeding month, for the cities and zillahs above-mentioned, until they proceed again upon the circuit. Provided, however, that where the first of the month shall fall on Sunday, the courts of monthly gaol deliveries, above directed to be held in the three cities and the two zillahs before specified, shall not be opened until the Monday following, nor shall any of the courts of circuit sit on Sunday upon any occasion whatever.

Monthly gaol deliveries to take place in the cities of Patna, Dacca, and Moorshedabad, and the zillahs of Moorshedabad and Dacca Jelalpore, excepting when the Judges are making the half-yearly circuits.

Court for the division of Calcutta to hold gaol deliveries in the zillah of the Twenty-four Purgunnahs, in the same manner as gaol deliveries are directed to be held in the three cities by Section XLIV.

XLV. The Judges of circuit for the division of Calcutta, after having completed the half-yearly gaol deliveries at the stations mentioned in Section XLI., shall return to their station in the vicinity of Calcutta, and hold gaol deliveries for the zillah of the Twenty-four Purgunnahs, in the same manner as the courts of circuit in the other divisions are directed in Section XLIV. to hold gaol deliveries for the cities at which they are respectively stationed.

Judges who first return from the circuits of the zillahs to commence the trials.

XLVI. To prevent any delay in the gaol deliveries at the cities of Patna, Dacca, and Moorshedabad, and in the zillahs of the Twenty-four Purgunnahs, Moorshedabad, and Dacca Jelalpore, the Judge or Judges of the division in which those stations are respectively included, who shall first return from the half-yearly circuit, shall commence the trials, and proceed therein without intermission (Sundays excepted) until the return of the other Judge or Judges, when they shall all take their seats in the court.

Manner in which the trial of the prisoners is to be conducted.

XLVII. The proceedings on the trial of prisoners are to be conducted in the following manner. The charge against the prisoner, his confession (which is always to be received with circumspection and tenderness), if he plead guilty, or if he plead not guilty, the evidence on the part of the prosecutor, the prisoner's defence, and any evidence which he may have to adduce, being all heard before him, the Cauzy and Mufty (who are to be present during the whole of the trial) are to write at the end of the record of the proceedings, the futwah or law as applicable to the circumstances of the case, and to attest it with their seals and signatures. The court shall attentively consider such futwah, and if it shall appear to them consonant to natural justice, and also conformable to the Mahomedan law, they are to pass sentence in the terms of the futwah (except in cases in which they are expressly directed not to pass sentence), and to issue their warrant to the magistrate for the execution of it, without further reference or delay. Provided, however, that in all cases where a prisoner may be condemned by such sentence to suffer death or imprisonment for life, the court shall transmit a copy of the sentence, and of all the papers and proceedings read or recorded during the trial, with translates in English, to the Nizamut Adawlut, and shall not execute such sentence, but shall wait the final sentence of that court.

Persons allowed to prosecute by Vakeel in cases authorised by the Mahomedan law.

This rule not to prevent the court requiring, if necessary, the personal attendance of prosecutors, not being women of such a rank and situation in life as would render it improper to compel them to appear in a court of justice.

How the evidence of prosecutors or witnesses of the above description is to be taken.

XLVIII. The prosecutor is to be allowed the option of carrying on the prosecution in person, or by a Vakeel duly appointed, excepting in cases in which the Mahomedan law requires the prosecutor to appear in person at the trial of the prisoner. This rule, however, is not meant to prohibit the Judges causing prosecutors to attend in person, in every case in which their *vivâ voce* evidence shall be deemed necessary, provided they be not Mahomedan or Hindoo women of a rank and situation in life which, according to the customs and prejudices of the country, would render it improper to compel them to appear in a court of justice. If prosecutors or witnesses on a trial shall be women of this description, and their evidence shall be deemed necessary, and the case shall be of such a nature as to admit of its being taken by commission, the Judges shall not require the attendance of such women, but shall depute persons to take their evidence in the manner prescribed by the Mahomedan law.

How the courts are to proceed in case the depositions of any witness cannot be obtained.

XLIX. If the attendance of any witness on the part of the prosecutor or the prisoner, whose evidence the law may not allow to be taken by commission, cannot be procured, or if any witness cannot be found, the Judges may postpone the trial until the next circuit, provided there shall appear to them sufficient cause for so doing. If the attendance of such witness cannot then be procured, or if he shall not have been found, the Judges may, in like manner, postpone the trial a second time. But if the Judges and their law officers shall be of opinion that the evidence of any witness or witnesses who may be absent is not necessary, they shall complete the trial without the evidence of such witness or witnesses.

In cases of murder, the law officers to deliver their futwahs according to Yusuf and Mahomed.

L. On trials for murder, the law officers shall deliver their futwah or law opinions upon the case, according to the doctrines of Yusuf and Mahomed.

No criminal to suffer mutilation.

Punishment to be inflicted in lieu of it.

LI. No criminal shall suffer the punishment of mutilation. If a prisoner shall be sentenced, in conformity to the futwah of the law officers, to lose two limbs, instead of being made to undergo such punishment, he shall be imprisoned and kept to hard labour for fourteen years; and if any prisoner shall be so sentenced to lose one limb, he shall, in lieu of such punishment, be imprisoned and kept to hard labour for seven years. The Judges are accordingly directed, whenever any criminal shall be sentenced to suffer mutilation, to commute such punishment for imprisonment and hard labour for the term above prescribed, and to issue their warrant to the magistrate for that purpose.

LII. When a prisoner is convicted of murder, the Judges shall cause the reference prescribed in such cases by the Mahomedan law to be made to the heir of the slain. If the heir shall require the murderer to be punished with death, according to the law of kissaas or retaliation, the Judges shall pass sentence of death accordingly, transmitting all the proceedings held on the trial, with the futwah of the law officers, to the Nizamut Adawlut, and suspending the execution of the sentence until they receive the final sentence of that court, as directed in Section XLVII. But if the heir of the slain shall require deyat or the price of blood, or shall pardon the murderer, the Judges shall not pass sentence, but shall forward the record of the trial, including the futwah of the law officers and the requisition of the heir, to the Nizamut Adawlut, and wait the sentence of that court.

In cases of murder, reference directed by the Mahomedan law to be made to the heir of the slain.

Court to pass sentence of death, if the heir demands retaliation; but to transmit the proceedings to the Nizamut Adawlut, and wait the final sentence of that court.

How the courts are to proceed if the heir requires the price of blood or pardons.

LIII. Whenever the Judges shall disapprove of any part of the proceedings held on a trial, or of the futwah delivered by the law officers, they are not to pass sentence on such cases, but shall complete the trial and transmit to the Nizamut Adawlut a copy of all the proceedings and the futwah of the law officers, with a separate letter stating the grounds of their disapproval, and wait the sentence of that court.

How the courts are to proceed if they disapprove of any part of the proceedings or the futwah of the law officers.

LIV. The Judges of the courts of circuit are to refer to the Cauzy and Mufty of their respective courts all questions on points of law that may arise during the course of any trial, and respecting which no specific rules shall have been enacted by the Governor General in Council, and shall regulate their proceedings by the opinions which may be delivered by those officers. If such opinions shall appear to the Judges contrary to the principles of natural justice or to the Mahomedan law, they are nevertheless to be guided by them, and after completing the trial, and obtaining the futwah of the law officers upon the case, they shall, without passing sentence upon it, transmit the proceedings and futwah to the Nizamut Adawlut, with a separate letter stating their objections to such opinions or futwah, and wait the sentence of that court.

Judges to refer all questions of law to the law officers, except on points specifically provided for by the Regulations, and to regulate their proceedings by the opinion of those officers.

Courts to be guided by such opinions, although they disapprove of them.

How to proceed in such cases.

LV. In cases of murder, the following circumstances shall not be considered as a bar to the trial or condemnation of prisoners. First, the refusal of the heir to prosecute. Second, Where it is known that the slain has an heir who is legally entitled to claim kissaas or retaliation, but who shall neither appear after a reasonable time has been allowed to elapse for him to hear of the murder and repair to the station at which the prisoner is to be tried, or communicate his intention by Vakeel, or otherwise, of pardoning the offender. Third, If the heir of the slain shall not have attained the age required by the Mahomedan law to render him competent to claim kissaas. In all such cases, the courts of circuit are to proceed on the trial in the same manner as if the slain had no heir; and when the trial is completed, are to require the law officers to declare what futwah they would have delivered, supposing the heir had been of sufficient age to demand kissaas, and had been present at the trial and prosecuted. But the courts of circuit are not to pass sentence on such trials, but shall forward the record, with the futwah directed to be required from the law officers, to the Nizamut Adawlut, the Judges of which court, provided they

In case of murder, the following circumstances not to bar the trial or condemnation of the prisoner.

1st. Refusal of the heir to prosecute.

2d. Where an heir exists, but does not appear after a reasonable time, or signify his will with regard to the criminal.

3d. If the heir shall not be of a competent age to claim retaliation.

How the courts of circuit are to proceed in the three cases above specified.

they approve of the proceedings held on the trial, shall pass such sentence as they would have passed, had the heir attained the proper age to entitle him to demand kissaas, and had been present at the trial and prosecuted.

Religious persuasions of witnesses not to invalidate their testimony. How the courts are to proceed where the law declares witnesses incompetent, because they are not Mahomedans.

LVI. The religious persuasions of witnesses shall not be considered as a bar to the conviction or condemnation of a prisoner; but in cases in which the evidence given on a trial would be deemed incompetent by the Mahomedan law, solely on the ground of the persons giving such evidence not professing the Mahomedan religion, the law officers of the courts of circuit are to be required to declare what would have been their futwah, supposing such witnesses had been Mahomedans. The courts of circuit are not to pass sentence on such cases, but shall transmit the record of the trial, with the futwah directed to be required from the law officers, to the Nizamut Adawlut, which court, provided they approve of the proceedings held on the trial, shall pass such sentence as they would have passed, had the witnesses, whose testimony may be so deemed incompetent, been of the Mahomedan persuasion.

Courts of circuit to state their opinion on the merits of all cases on which they are directed not to pass sentence.

LVII. In all cases in which the courts of circuit are directed not to pass sentence, the Judges are to accompany the record of the trial ordered to be transmitted to the Nizamut Adawlut, with a letter containing their opinion on the merits of the case.

Courts to transmit all trials in capital cases, with translates, to the Nizamut Adawlut, as early as possible, but always within ten days.

LVIII. The courts of circuit are to transmit to the Nizamut Adawlut copies and translates in English, of the proceedings on the trial of all prisoners whom they may sentence to suffer death, or who may, in their opinion, be deserving of capital punishment, within ten days after the trial is completed, or as much earlier as from the state of business may be practicable.

Punishment to be inflicted on persons guilty of contempt of court in open court.

LIX. The courts of circuit are empowered to direct the magistrate to cause any person or persons who may be guilty of contempt of court in open court, to suffer corporal punishment with a rattan not exceeding fifteen strokes, or imprisonment for any term not longer than fifteen days.

Incapacity, or misconduct in public duty, or profligacy in private behaviour in the law officers, to be reported to the Nizamut Adawlut.

LX. The courts of circuit are to report to the Nizamut Adawlut every instance in which it shall appear to them that the Cauzies or Mufties of their respective courts have shown incapacity for their offices, or have been guilty of misconduct in the performance of their duty, or of any acts of profligacy in their private conduct.

Futwah of either of the law officers when the other is not present, to be equally valid as if delivered by them jointly.

LXI. In the event of the absence or indisposition of the Cauzy or the Mufty, or when they shall go upon separate circuits, the futwahs of either of them, in such cases, shall be considered equally valid as if they had been delivered by them jointly.

Judges to visit the gaols, and to issue orders for the better treatment and accommodation of the prisoners.

LXII. The Judges of circuit are to visit the gaols at each station at which there are to be half-yearly gaol deliveries, on every circuit, and the gaols in the cities of Patna, Dacca, and Moorshedabad, and the zillahs of the Twenty-four Purgunnahs, Moorshedabad, and Dacca Jelalpore, once in every three months, or oftener if they shall think proper, and to issue to the magistrates such orders as may appear to them advisable for the better treatment and accommodation of the prisoners.

Neglect or misconduct of the magistrates to be reported by the

LXIII. The courts of circuit are to report to the Nizamut Adawlut every instance in which it shall appear to them that the magistrates have been guilty of neglect or misconduct in the discharge of their duty. The courts are also to acquaint the Nizamut Adawlut whenever the magistrates omit or refuse to obey their orders.

courts to the Nizamut Adawlut.

LXIV. If a difference of opinion shall arise on any question, and the three Judges shall be present in court, the opinion of the majority shall be adopted; if only two of the Judges are so present, the senior Judge shall have the casting voice. The Judges are required, in such cases, to record the grounds of their respective opinions upon the proceedings.

Where three Judges are present, the opinion of the majority to decide on all questions.

Where only two Judges are present, the senior Judge to have the casting voice.

LXV. The Judges are to submit to the Nizamut Adawlut such rules as may appear to them calculated for the better regulation of the trials of prisoners, the administration of justice, or the police of the country.

Courts to submit to the Nizamut Adawlut such propositions as may appear to them expedient for the better regulation of trials, or the administration of justice or the police.

LXVI. The Nizamut Adawlut, or superior criminal court, shall continue to be held at Calcutta.

Nizamut Adawlut to be held at Calcutta.

LXVII. The court shall consist of the Governor General and the members of the Supreme Council, assisted by the head Cauzy of Bengal, Behar, and Orissa, and two Mufties.

Governor General and members of the Supreme Council to sit as Judges assisted by the head Cauzy and two Mufties.

LXVIII. The court shall meet once in every week, or as often as the state of the business may require, and a regular diary shall be kept of their proceedings.

Court to meet once in every week, or as often as may be necessary.

LXIX. The court shall have a Register, who shall be styled Register to the Nizamut Adawlut.

Register to be appointed to the court.

LXX. The Register, previous to entering upon the execution of the duties of his office, shall take and subscribe before the Nizamut Adawlut, an oath similar to that prescribed for the Registers to the courts of circuit.

Oath to be taken by the Register.

LXXI. The head Cauzy and the two Mufties, previous to entering upon the duties of their offices, and on the 1st January and 1st July in each year, shall take and subscribe oaths similar to those prescribed for the law officers of the courts of circuit.

Oath to be taken by the head Cauzy and two Mufties.

LXXII. The court is empowered and directed to take cognizance of all matters relating to the administration of justice in criminal cases and the police of the country, and to submit to the Governor General and Council such regulations regarding them as it may deem advisable.

Court to have cognizance of all matters relating to the administration of criminal justice and the police.

LXXIII. The court shall exercise all the powers that were vested in it whilst it was stationed at Moorshedabad, and superintended by the late Naib Nazim, the Nabob Mahomed Reza Khan.

Court to exercise the same powers as were vested in it when it was superintended by the late Naib Nazim.

LXXIV. The sentences of the court shall be regulated by the Mahomedan law, excepting in cases in which a deviation from it may be expressly directed by any Regulation passed by the Governor General in Council.

Sentences of the court to be conformable to the Mahomedan law, excepting where a deviation from it may be expressly authorized by the Governor General in Council.

LXXV. In trials for murder, the head Cauzy and the Mufties shall deliver their futwahs or opinions upon the case according to the doctrines of Yusuf and Mahomed. The distinctions, however, made by those Imaums and by Hunneefah, as to the mode of committing murder, shall not be adhered to by the Nizamut Adawlut, but the intention of the criminal, either evidently or fairly inferrible from the nature and circumstances of the case, and not the manner

In cases of murder, the law officers to deliver their opinions according to Yusuf and Mahomed.

Their distinctions as to the mode of committing murder not to be attended to, except as evidence of the intent.

The intention of the criminal to be the rule for determining the punishment.

manner or instrument of perpetration (except as evidence of the intent), shall constitute the rule for determining the punishment.

Court to sentence persons convicted of murder to suffer death, although the heirs of the slain should pardon, or require from them the price of blood.

LXXVI. If a prisoner shall be convicted of murder, and shall be declared liable to suffer death by the law, in the event of the heir of the slain requiring kissaas or retaliation, and the heir, instead of demanding kissaas, shall pardon the murderer, or require from him the deyat or price of blood, the will of the heir shall not be allowed to operate in either of such cases, but the Nizamut Adawlut, provided they approve of the proceedings held on the trial, shall sentence the murderer to suffer death.

Law officers to assemble at the office of the Register three times in every week, or oftener if necessary.

Register to lay before them the Persian copies of all trials referred by the court of circuit.

Law officers to give their opinions in writing on such trials, before they leave the office of the Register.

LXXVII. The head Cauzy and the Mufties shall assemble at the office of the Register three times in every week, or oftener if necessary, and the Register shall lay before them the Persian copies of the proceedings in the trials that may be referred by the courts of circuit for the final sentence of the Nizamut Adawlut. After duly considering the proceedings, and previous to leaving the office of the Register, they shall state in writing, at the foot of the record of each trial, whether the futwah of the law officers is consistent with the evidence and conformable to the Mahomedan law. If it be not, they shall state what futwah ought in their opinion to have been delivered, and subscribe their names, and affix their seals to their respective opinions.

Register to submit the proceedings on such trials, and the opinions of the law officers, to the Nizamut Adawlut, which court is to pass the final sentence.

The Register shall submit the proceedings, in the cases so revised by the head Cauzy and the Mufties, to the Nizamut Adawlut at their next meeting, when the court, after perusing the proceedings of the court of circuit, the futwah of the law officers of that court, and the futwah of the head Cauzy and the Mufties of the Nizamut Adawlut, shall pass the final sentence.

Register to transmit the copy of the final sentence to the court of circuit, within three days after it is passed, or as much earlier as may be practicable.

Magistrate to cause the sentence to be executed immediately upon the receipt of the warrant, and to return the warrant to the court of circuit with endorsement.

What returned warrants are to be sent to the Nizamut Adawlut.

LXXVIII. The Register, within three days after the passing of the final sentence, or sooner if practicable, shall transmit a copy of it, under the seal of the Nizamut Adawlut and attested with his official signature, to the Judges of the court of circuit, who are immediately to issue a warrant to the proper magistrate to cause the sentence to be carried into execution. The magistrate, upon the receipt of the warrant, shall cause the sentence to be executed without delay, and return the warrant to the court of circuit, with an endorsement attested with his official seal and signature, certifying the manner in which the sentence has been executed. All warrants so returned are to remain with the court of circuit; excepting warrants for the infliction of capital punishment, which are to be forwarded by the Judges to the Nizamut Adawlut.

Nizamut Adawlut to recommend to the Governor General in Council to pardon or commute the punishment of criminals sentenced to suffer death, who may appear to them deserving of mercy.

LXXIX. If any criminal who may be sentenced to suffer death shall appear to the Nizamut Adawlut to be a proper object for mercy, they shall submit his case to the Governor General in Council, and according to the circumstances of it, either recommend a pardon to be granted to him or such commutation of the punishment as to the court may seem proper.

A. D. 1793. REGULATION X.

A Regulation *for re-enacting with Modifications, the Rules passed by the Governor General in Council on the 15th July 1791, and subsequent Dates, for the Establishment and Guidance of the Court of Wards, relative to disqualified Landholders and their Estates:* Passed *by the Governor General in Council on the 1st May 1793 (corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree).*

I. By the rules prescribed in Regulation VIII. 1793, for the decennial settlement of Bengal, Behar, and the Company's districts in Orissa, females (with the exception of those whom the Governor General in Council may deem competent to the management of their own estates), minors, idiots, lunatics, contumacious persons, and persons of notorious profligacy of character, who not being partners with others of a different description, are or may be proprietors of entire estates paying revenue immediately to Government, are declared incapable of having any concern in the management of their lands; and it is to be understood, as the evident meaning and intention of part of these exceptions, that they include all proprietors of entire estates paying revenue immediately to Government, who are, or may be, rendered incapable of managing their lands, by natural defects or infirmities of whatever nature. The lands of persons coming within the above descriptions are to be managed, for the benefit of the proprietors, by persons appointed to the trust by Government, in the manner hereafter specified. The Governor General in Council, adverting also to the many instances which have occurred, of minors, females, and other proprietors of land, of the descriptions above-mentioned, being reduced to ruin by the misconduct of the agents to whom the management of their concerns has been committed, as well as to the frequent instances of minors being brought up in ignorance and dissipation by the persons entrusted with the care and education of them, with a view to engross the management of their affairs when they might come of age, determined, on the 20th August 1790, to constitute the Board of Revenue a court of wards, with powers to superintend the conduct, and inspect the accounts of the managers of estates of persons disqualified for the management of their own lands, by the rules prescribed for the decennial settlement, and with instructions to see that minors received an education suitable to their rank and circumstances in life, and such as might qualify them for the future management of their own concerns. For the guidance of the Board of Revenue in their capacity of a court of wards, as well as of the officers acting under them in this capacity, certain rules were enacted on the 15th July 1791. Those rules, with the subsequent amendments and further modifications, are now re-enacted.

To whom the superintendence of the court of wards extends.

II. The superintendence of the court of wards extends to the persons and estates of all proprietors disqualified, under the rules prescribed for the decennial settlement, for the management of their own lands, *viz.* all proprietors of entire estates paying revenue immediately to Government, who are, or may be, females not deemed by the Governor General in Council competent to the management of their own estates; minors, idiots, lunatics, or others, rendered incapable of managing their estates by natural defects or infirmities of whatever nature; as well as all proprietors of such estates, who are or may be deemed disqualified, on account of contumacy or notorious profligacy of character. To prevent misconstruction, it is declared that, by the terms "*all proprietors of entire estates paying revenue immediately to Government*," are meant, every such disqualified person who may be the sole proprietor of an estate, and any two or more persons, being proprietors of the whole of an estate, both or all of whom may be so disqualified.

To whom the superintendence of this court is not meant to extend.

III. The superintendence of this court is not to extend to proprietors of estates not paying revenue immediately to Government, nor to joint proprietors of estates paying revenue immediately to Government, both or all of whom may not be of the descriptions specified in Section II. The disqualifications in the rules prescribed for the decennial settlement do not include the former; and the latter are required thereby to elect a joint manager, in the choice of whom those who are themselves unable to vote are allowed a voice through their guardians. To such proprietors, managers, and guardians, this Regulation is in no respect to be held applicable.

Collectors to ascertain and report what landholders are disqualified.

Rules for ascertaining the ground of disqualification, and for enabling certain disqualified proprietors to recover their estates when the ground of their disqualification may be removed.

IV. The Collectors of the Revenue are to ascertain and report to the Board of Revenue, both now and hereafter, what proprietors in their respective zillahs may come within the descriptions of disqualified landholders specified in Section II.; and the following rules are prescribed for ascertaining the existence of the stated ground of disqualification in the first instance, and also for enabling proprietors of certain descriptions, who may have been declared disqualified, to recover the management of their estates when the ground of their disqualification may be removed.

Females.

V. *First.* If a proprietor of land shall be reported disqualified solely from being a female, the Board of Revenue, in their capacity of a court of wards, shall immediately proceed to take the estate under their care, reporting the circumstance to the Governor General in Council, who reserves to himself the power of declaring any female proprietor, whom he may deem competent to the management of her own estate, exempt from the operation of this Regulation.

Minors.

Second. If a Collector shall report a proprietor of land to be disqualified on the ground of minority, the Board of Revenue, in their capacity of a court of wards, provided they shall see no reason to doubt the nonage of the proprietor, are to take the estate under their care, and report the circumstance to the Governor General in Council. If a Collector shall report any proprietor to be a minor, and the proprietor, or any person on his behalf, shall deny that he is under age, such proprietor or person shall be at liberty to represent the circumstances to the Court of Dewanny Adawlut of the zillah wherein the estate may be situated, the Judge of which shall forward the representation to the Sudder Dewanny Adawlut, which court shall issue a precept, under the seal of the court and attested by the Register, to the Judge of the zillah, or to the provincial court of appeal of the division, to call the proprietor before the court, and ascertain his age by the evidence, on oath, of not less than three credible persons well acquainted with him, and also by such other inquiries as may appear to the court calculated to ascertain the truth, and certify its proceedings, including any representations or evidence that the proprietor, or any person on his behalf, may have to adduce, with its opinion on the case, to the Sudder Dewanny Adawlut, which court shall determine whether such proprietor be a minor or not. The decision of the Sudder Dewanny Adawlut shall be final, and the court shall certify a copy of its decision to the Governor General in Council, who will order the estate to be put under the charge of the court of wards or not, according as the proprietor may be adjudged by the Sudder Dewanny Adawlut to be a minor or otherwise.

Lunatics, or others, disqualified by natural defects or infirmities.

Third. If a proprietor of land shall be deemed disqualified on the ground of lunacy, idiotism, or other disqualifying natural defect or infirmity, the Board of Revenue are to order the Collector to represent the circumstances, through the Vakeel of Government, to the court of Dewanny Adawlut of the zillah, the Judge of which shall transmit a copy of the representation to the Sudder Dewanny Adawlut. This court shall issue a precept to the court of appeal of the division, or to the Judge of the zillah within the jurisdiction of which the proprietor may reside, to bring him before the court, to ascertain his actual state by ocular proof; and the court shall further take the declaration upon oath of no less than three credible persons acquainted with the party, setting forth their opinion of his condition with the grounds of it. The court is to transmit all its proceedings, with its opinion on the case, to the Sudder Dewanny Adawlut, which court shall determine finally whether the stated ground of disqualification be well founded or not, and certify a copy of its decision to the Governor General in Council, who will order the court of wards to take the estate of the proprietor under their care or not, according as the proprietor may be adjudged by the Sudder Dewanny Adawlut to be disqualified or otherwise.

Contumacy and notorious profligacy of character

Fourth. If a proprietor of land shall be deemed disqualified on the ground of contumacy or notorious profligacy of character, the Board of Revenue are to instruct the Collector to submit a statement of the circumstances, through the Vakeel of Government, to the Judge of the Dewanny Adawlut of the zillah, who shall forward it to the Sudder Dewanny Adawlut. This court shall issue a precept to the Judge of the zillah or to the provincial court of appeal, to inquire into the circumstances of the case in the presence of the party or his Vakeel, who are respectively to be allowed to produce any evidence which they may have to adduce. The court is to report the result of its proceedings, with its opinion on the case, to the Sudder Dewanny Adawlut, which court shall finally determine whether the stated ground of disqualification be well founded or not, and report its decision to the Governor General in Council, who will order the estate to be committed to the charge of the court of wards or not, according as the proprietor may be adjudged by the Sudder Dewanny Adawlut to be disqualified or otherwise.

Measures to be taken occasionally to ascertain continuance of disqualification.

Fifth. Persons not born in a state of idiotism, but who may have been declared by the Sudder Dewanny Adawlut disqualified as lunatics, are to be produced annually before the Judge of the Dewanny Adawlut in the jurisdiction of which they may reside, or oftener if he shall think fit, in order to ascertain whether they be restored to sanity or otherwise; and if, in any instance, the ground of disqualification shall appear to the Judge to be completely removed, he shall immediately report the same, with a full relation of the circumstances of the case, to the Sudder Dewanny Adawlut, which court shall finally determine whether the ground of disqualification be removed or not. The court is to communicate its decision to the Governor General in Council, who will order the court of wards to deliver over charge of the estate to the proprietor or not, according as the ground of his disqualification may be adjudged by the court removed or otherwise.

Disqualified proprietors specified in Clause Second, Third, and Fourth, who may deem the ground of their disqualification removed, how to proceed to recover the management of their estates.

Sixth. Any person who may have been adjudged disqualified, on any of the grounds specified in Clause Second, Third, or Fourth, and who may deem the ground of his disqualification removed, shall be at liberty to represent the circumstances to the Judge of the Dewanny Adawlut of the zillah, who shall forward the representation to the Sudder Dewanny Adawlut. This court shall issue a precept to the Judge of the zillah court, or to the provincial court of appeal of the division, to inquire into the case, and to receive such evidence as the disqualified proprietor may have to offer in support of his representation. The court is to report the result of its inquiry, with its opinion thereon, to the Sudder Dewanny Adawlut, which court shall determine finally whether the ground of disqualification be or be not removed, and report its decision to the Governor General in Council, who will order the court of wards to restore the proprietor to the management of his lands or not, according as the ground of disqualification may be adjudged by the Sudder Dewanny Adawlut to be removed or otherwise.

Trusts of manager and guardian to be considered altogether distinct, though they may in some instances be vested in the same person.

VI. The trusts of manager for disqualified landholders and guardian to them, are to be considered altogether distinct, but, as hereafter specified, they may in some instances be vested in the same person; and the rules contained in the following sections, relative to managers and guardians respectively, are founded on this distinction.

What is to be entrusted to the manager and guardian respectively, when different persons.

VII. Where the trusts of manager and guardian are vested in different persons, the former is to have the care of the estates real and personal; the latter, the care of the person, maintenance, and if a minor, the education of the ward.

Rules to be observed in the selection of managers.

VIII. *First.* The manager, who is to be denominated Serberahkar, is to be chosen by the Collector, subject to the approbation of the court of wards, and his commission is to be signed by the Collector and authenticated by his official seal. In recommending persons for this trust, capacity for the business, goodness of character, and sufficient responsibility, are to be particularly attended to, and after these considerations, a preference is to be given to the legal heirs to the estate, or other near relations of the proprietors, and in the event of there being no heirs or relations of this description, to a creditable servant of the family. If no one among these be found duly qualified for the trust and willing to undertake it, it must be vested in a proper person unconnected with the family. A husband may be the manager of any separate property belonging to his wife, provided she desire it, but not otherwise.

Second. All female proprietors, not minors or otherwise disqualified, may also recommend managers for their estates, and their recommendations are to be attended to, if consistent with the primary considerations above noticed.

Security to be given

IX. The manager, previous to the receipt of his commission, is to give security for his appearance during the continuance of it, and is to execute the following obligation.

and obligation to be executed, by managers.

"I, A. B., having voluntarily taken on myself the management of the estate "of C., disqualified proprietor of D., do hereby solemnly promise and engage "to manage the said estate diligently and faithfully for the said proprietor; to "use every means in my power to improve the same for his or her benefit; "and to act, in every respect, to the best of my judgment, for his or her "interest, in like manner as if the estate were my own and I were acting for "myself. I also promise and engage to render a true and just account of "whatsoever may be received by me from or on account of the estate com"mitted to my management; and in the event of it being proved that I have "been guilty of any embezzlement, or of any abuse of trust injurious to the "property of the above-mentioned proprietor, I do hereby bind myself, my "heirs and successors, to make good treble the amount of the embezzlement "or injury so proved against me. I further promise and engage to adhere "strictly to such Regulations as may be passed for the guidance of managers "by the Governor General in Council, and to such orders as I may receive "from the court of wards, and to derive no personal advantage whatever, "directly or indirectly, from the trust committed to me, beyond the allowance "by them granted to me."

Allowance to be fixed for managers, and penalty for any embezzlement proved against them.

X. An allowance to the manager, proportionate to the extent of his trust and adequate to a full compensation for his trouble, is to be proposed by the Collectors and fixed by the court of wards: and if it be proved, to the satisfaction of the court of wards, that any manager shall have appropriated to his own use, directly or indirectly, any sum of money, or other property, above his fixed allowance, he is declared liable for such embezzlement to the fine specified in his obligation, besides dismission from his trust; and the fine is to be appropriated to the benefit of the estate under his charge.

Establishment of officers to act under the manager to be also fixed.

By whom to be nominated and appointed.

Penalty for embezzlement proved against such officers.

XI. An establishment of necessary officers, to act under the manager, is also to be proposed by the Collectors and fixed by the court of wards. The persons to be employed on this establishment are to be nominated by the manager himself, but approved by the Collector, who may object to such as may appear to him disqualified by character or otherwise, and require the manager to appoint others. These orders are to be considered applicable to the manager's sudder establishment, and also to his mofussil establishment, in estates of considerable extent, where mofussil officers may be necessary. Any officer, sudder or mofussil, who may be proved, to the satisfaction of the court of wards, to have appropriated to his own use, directly or indirectly, any sum of money, or other property, beyond his fixed allowance, is to be deemed guilty of embezzlement, and to be liable to the same fine as the manager in similar cases, besides dismission from his office.

Rules for the guidance of the Collectors and managers, regarding the payment of the public assessment and general appropriation of the managers' receipts.

XII. *First.* By the rules for the decennial settlement, the assessment of lands, the property of disqualified proprietors, is to be fixed in like manner as that of other lands; and the following orders have been passed for the guidance of the managers and Collectors, regarding the payment of this assessment, as well as respecting the general appropriation of the receipts of the managers from the lands under their charge.

Second. An

Provision for the support of the proprietors and their families.

How to be paid.

What payments to be made to the Collector.

Monthly account-current to be delivered to and audited by the Collector.

Collector to see the manager's nett receipts fairly appropriated to the payment of the public revenue.

Deficiencies in revenue of any year how to be made good, and surplus receipts of any year how to be appropriated.

Second. An allowance of ten per cent. on the public revenue assessed on the lands of disqualified proprietors, or of ten per cent. on the actual revenue paid to Government, in the event of the whole of the assessment not being realized, is to be fixed for the support of the proprietors, and such persons of their families as may be entitled to receive a provision from them, and the appointed manager of such lands shall be authorized to pay this allowance monthly, in proportion to his actual monthly payments of revenue to the Collector, and no further. Instead of paying the whole of his receipts to the Collector, he is to pay the monthly kists of Government's revenue only to the Collector, or such part thereof as he may be able to discharge from his collections, after defraying the charges of his approved establishment and the allowance of the proprietors; but he is to deliver a monthly account-current of his receipts and disbursements to the Collector, who is to audit the disbursements therein specified, and see that the receipts, after defraying the necessary charges and providing the authorized allowance of the proprietor, have been fairly appropriated to the payment of the revenue due to Government. As the lands of disqualified proprietors are not held answerable for the payment of the revenue assessed thereon, in the event of the neat collections of any year proving inadequate to the payment of the fixed assessment, in addition to the allowance of the proprietor, and of there being a surplus collection in any future year, the Collector shall take care that such surplus is appropriated to the discharge of the arrear due to Government, and the proportion of the proprietor's allowance which must also, according to the rule laid down, be at the same time in arrear; or if no such balance be outstanding, he shall see the surplus expended by the manager for the improvement of the lands, or otherwise for the benefit of the estate under his charge.

Discretionary power vested in Collectors, to reduce or increase, in certain cases, the general allowance fixed for the support of proprietors and their families.

Restrictions on the exercise of this power.

Manager to appropriate the savings arising from such reduction of allowance to the benefit

XIII. By the foregoing rules, ten per cent. on the revenue assessed or realized is fixed as the general allowance for the support of disqualified proprietors, and such persons of their families as may be entitled to receive a provision from them: but as, in some instances, this allowance may be more than adequate to the expense of suitably maintaining and educating minors, or maintaining other disqualified proprietors, as well as of making a provision for their relations entitled thereto; or, on the other hand, may not be sufficient for these purposes, in some instances where there may be other funds arising from lakheraje lands, or other resources independent of the malguzarry lands, which might be appropriated thereto, the Collectors are vested with a discretionary power to reduce the ten per cent. allowance in the former case, and to increase it in the latter, as, on a consideration of the rank and circumstances of the parties and the amount of their allowances and other income, they may think proper. They are, however, to report any instances of the exercise of this power in their monthly communications to the court of wards, and previous to authorizing any increase of the fixed allowance, are to ascertain with accuracy, that there are lakheraje lands, or other resources independent of the malguzarry lands, fully adequate to make good the same, without which no excess is to be admitted, unless the Governor General in Council should think proper to grant a dispensation from the general rule, in any particular case that may appear to require it. In the event of any reduction of the allowance fixed for the support of disqualified proprietors, the difference is to be applied by the manager to the benefit of the estate under his charge, to which purpose he is also to apply the income arising from resources independent of the malguzarry lands, which the Collector, under the discretion above vested in him, may judge unnecessary for the education or maintenance of the proprietors, and the necessary provision of their relations entitled thereto.

of the estate, as well as any surplus income arising from resources independent of the malguzarry lands not otherwise appropriated by the Collector.

Payments to be made by the manager to the guardian when distinct.

XIV. Where a distinct guardian may be appointed, as hereafter specified, the manager is to pay to him the amount of the allowance fixed for the maintenance or education of the proprietors, and of the provision for persons of their families entitled thereto, as well as the amount of any resources independent of the produce of the malguzarry lands, which the Collectors, under the discretion vested in them by the foregoing article, may think it proper to allot for these purposes.

Specification of property to be entrusted to the manager and guardian respectively.

XV. Agreeably to the distinction laid down in Section VII., the manager is to have the entire care of the estate, real and personal. He will, therefore, have the exclusive charge of all lands, malguzarry or lakheraje, as well as all houses, tenements, goods, money, and moveables of whatever nature, belonging to the proprietor whose estate may be committed to his charge, excepting only the house wherein such proprietor may reside, the moveables wanted for his or her use, and the money allowed for the support of the proprietor, and his or her family entitled to a provision, which are to be left to the care of the guardian, where distinct guardians may be appointed. Both managers and guardians, on their receiving charge of any property, are to sign an exact inventory of the same, which is to be deposited in the treasury of the collectorship.

Inventory to be signed by both.

Manager to discharge his trust diligently and faithfully, and act in every respect for the proprietor's interest.

Restrictions on his grant and disposal of the permanent property committed to him.

XVI. The manager, agreeably to the terms of his obligation, is to manage the estate committed to him diligently and faithfully, for the benefit of the proprietor, and in every respect to act to the best of his judgment for the proprietor's interest, in like manner as if the estate were his own. In instances, however, where he may act for a proprietor under age, not otherwise disqualified, he is not to grant any lease extending beyond the life of the proprietor, or contrary to Regulation XLIV. 1793, or to dispose of any part of the permanent property committed to his custody, without the sanction of the court of wards.

Manager to deliver an annual account current to the Collector with vouchers upon oath.

Exception to the rule.

XVII. In addition to the monthly account current required in Clause Second, Section XII., the manager, at the expiration of every year, is to deliver to the Collector an annual account current of his receipts and disbursements upon oath, with vouchers for the latter (unless the court of wards shall be satisfied that it will be for the benefit of their general trust to admit the manager to deliver in such accounts under a solemn declaration of their being true and faithful accounts, in which case they are empowered to receive the accounts under such declaration instead of an oath), and the Collector is to audit the disbursements, and take care that the whole of the surplus receipts be duly appropriated, in the manner specified in Clause Second, Section XII.

Collector to audit disbursements and see receipts duly appropriated.

Surplus receipts, when not required for the improvement of the lands, how to be appropriated.

XVIII. If the Collector should think it unnecessary or unadvisable to appropriate such surplus receipts to the improvement of the lands already under the manager's charge, he shall cause the same to be applied by the manager to the purchase of other landed property, or to interest loans on mortgages, or to the

Title deeds, mortgage deeds, and Government paper securities, now or hereafter belonging to the estates, how to be disposed of.

purchase of Government paper securities, as circumstances may render preferable; in which cases, he shall transmit the title deeds and mortgage deeds of the land purchases or mortgages to the court of wards, to be deposited in the general treasury; but as interest will occasionally become payable on the Government paper securities, he shall deposit them in the public treasury under his charge, giving in all cases a receipt to the manager, as well for the title and mortgage deeds as the paper securities. The court of wards are also to obtain the Sub-Treasurer's receipt for the two former when deposited in the general treasury, and are to transmit an attested copy thereof to the Collector, to be delivered by him to the manager. The manager shall also deliver any existing title or mortgage deeds or Government securities belonging to the estate under his charge to the Collector, who shall, in like manner, return a receipt for the same, and transmit them to the court of wards, or deposit them in his public treasury as above directed. Any interest becoming payable on Government securities is to be paid to the manager, to be appropriated by him, in common with other resources, independent of the produce of the malguzarry lands, as before-mentioned.

Interest becoming payable on Government paper, to be received and appropriated by the manager.

Any just debts due from the estates of disqualified landholders how to be satisfied.

XIX. Any just debts now outstanding against, or hereafter adjudged against the estates of disqualified landholders, must necessarily be satisfied (if required so to be by the creditors), as far as may be consistent with the rights of Government, to whom the produce of the malguzarry lands is mortgaged, in the first instance, for the payment of the public revenue assessed thereon. The circumstances of all such debts, however, are to be immediately reported to the Collector, and by him, without delay, to the court of wards, with his sentiments on the best mode of satisfying the same, for their instructions, previous to any payment being made by the manager in discharge of them. In the event of any debts being compounded for a less sum than the full amount, the estate is to be debited by the manager for the actual payment only.

In cases of debts being compounded, the estate to be debited for the actual payment only.

Province of guardians.

XX. Agreeably to Section VII., it will be the province of guardians appointed for disqualified landholders to take care of the person, maintenance, and if a minor, the education of the wards.

Rules to be observed in the choice of guardians.

XXI. The rules contained in Section VIII., for the election of managers, are to be applied also to the choice of guardians: with these differences, that the guardianship shall in no instance be entrusted to the legal heir, or other person interested in outliving the ward, and that female minors shall have guardians of their own sex. Further, under these restrictions, landholders whose heirs are disqualified may appoint guardians to such heirs by will in writing; and such guardians (provided they be duly qualified), if willing to accept the trust and execute the obligation hereafter specified, shall be preferred. Such testamentary appointments, however, shall in all instances be reported, with the sentiments of the Collector, for the confirmation of the court of wards, and shall not be deemed valid till confirmed by them.

What landholders will require guardians.

XXII. Landholders disqualified on account of minority, idiotism, lunacy, or other natural defect or infirmity, rendering them incapable of attending to the care of their own persons and maintenance, will alone require guardians. Female, as well as male proprietors, not so disqualified, may themselves receive and disburse the allowance fixed for their maintenance.

XXIII. For persons of the descriptions above-mentioned, it is expected that some friend of the party will gratuitously discharge the trust of guardian, appropriating the fixed allowance to the maintenance, and if a minor, to the education also of the ward. Should it however, in any instance, be found necessary to make a pecuniary compensation to a person to act as guardian, such compensation, after being approved by the court of wards, is to be provided from the allowance fixed for the maintenance of the ward.

Compensation to guardians, when necessary, how to be provided.

XXIV. The guardian, previous to the receipt of his commission, is to give security for his appearance during the continuance of it, and is to execute the following obligation:

Security to be given and obligation to be executed by guardians.

"I, A. B., having voluntarily taken on myself the guardianship of C., "disqualified proprietor of D., do hereby solemnly promise and engage to "execute the trust committed to me zealously and faithfully, to the best of "my judgment, and according to the regulations which have been or may be "prescribed for the guidance of guardians by the Governor General in Coun-"cil. I will conscientiously appropriate the allowance fixed for the main-"tenance, and (if the ward be a minor) the education of my ward, to his (or "her) benefit, and will derive no advantage therefrom myself, directly or "indirectly, beyond the compensation granted me for my superintendence. "I also promise and engage to render a true and just account of whatsoever "may be received by me on account of my ward above-mentioned; and in the "event of it being proved that I have been guilty of any embezzlement, or of "any breach of trust injurious to his (or her) property, I hereby bind myself, "my heirs and successors, to make good treble the amount of the embezzle-"ment or injury so proved against me."

XXV. An establishment of necessary servants to act under the guardian, is to be proposed by the guardian to the Collector, and fixed by the court of wards, and the several rules and restrictions in Section XI., regarding the establishments of managers, are to be considered equally applicable to the establishments of guardians. The expense of the latter is to be defrayed from the allowance fixed for the support of the proprietors.

I vants to act under guardians, by whom to be proposed and fixed.

Rules and restrictions in Section XI., applicable to such establishments.

Expenses to be defrayed from the proprietor's allowance.

XXVI. The guardian is to deliver a monthly account current of his receipts and disbursements to the Collector, who shall audit the disbursements therein specified, and see that the receipts have been fairly and duly appropriated. The guardian is also to deliver an annual account current upon oath (unless the court of wards shall be satisfied that it will be for the benefit of their general trust to admit the guardian to deliver in such accounts under a solemn declaration of their being true and faithful accounts, in which case they are empowered to receive the accounts under such declaration instead of an oath), with vouchers, to be in like manner audited by the Collector, and in the event of any money remaining in his hands which the Collector shall think unnecessary for the guardian's expenses in the ensuing year, he shall cause the same to be repaid to the manager, to be applied by him to the benefit of the estate under his charge.

Monthly and annual accounts to be delivered by the guardian to the Collector.

Collector to audit the disbursements, to see that the receipts have been duly appropriated, and cause any surplus, not required for the expenses of the ensuing year, to be repaid to the manager.

Exception to the rule.

XXVII. In cases of minority, where the minor may be a male, the superintendence of his female relations is not to be allowed after the expiration of the fifth year; and on his attaining the age of tuition, it must be the first care of

Superintendence of the female relations of male minors limited to the end of the fifth year.

Guardians to procure proper teachers for them on their attaining the age of tuition.

of the guardian to procure proper teachers to give him an education suitable to his situation in life.

Minority limited to the end of the fifteenth year.

XXVIII. Minority, with respect to both Hindoos and Mahomedans, is limited to the expiration of the fifteenth year.

Guardians of female minors, also, to take care that their wards receive a suitable education.

XXIX. The guardians of female minors, who, agreeably to Section XXI., are to be of the same sex, are also to take care that their wards, when arrived at the age of tuition, receive an education suitable to their condition.

Cases in which the trusts of guardian and manager may be united in persons to whom the inheritance cannot descend.

Rule to be observed in such cases.

XXX. The trusts of guardian and manager may be united in persons to whom the inheritance cannot possibly descend, if circumstances should render the same eligible; but, in this case, the trustee shall be considered as acting in two distinct characters, and shall execute the obligations of both manager and guardian, and deliver the accounts required from each distinctly.

Manager and guardian to sign and seal all papers with their own names and seals.

Not to sign or seal the name of their ward or his deceased parents, but to deliver all family seals to the Collector, to be deposited in the treasury.

XXXI. Both manager and guardian shall sign and seal all papers with their own names and seals, adding to the former their designation of manager or guardian. They shall, on no account, sign or seal the name of their ward, or of his (or her) deceased parents, but shall deliver all family seals belonging to the ward to the Collector, to be deposited in the treasury of the collectorship.

Minors, and others having guardians, not to be sued, but under the protection and joint name of their guardians.

They may, however, sue the Collectors, their guardians, or managers, by any person willing to undertake their cause, under the provisions herein specified.

XXXII. *First.* Minors, and other disqualified landholders having guardians, as described in Section XXII., shall not be sued but under the protection and joint name of their guardians.

Second. They may, however, during the term of their disqualification, sue the Collectors, their guardians, or managers, before the court of wards, for fraud, by any person willing to undertake their cause, provided he shall previously give security for the payment of all costs and damages in case of being nonsuited; in return for which, the person so suing shall receive any fine and costs that may be adjudged against the Collector, guardian, or manager, in the cause undertaken by him. The court of wards may order the Collector to inquire into and report upon any such charges against guardians or managers; but the Collector is not to pass judgment, which is to be given by the court of wards. If the court of wards or the Collector shall have occasion to require the attendance of any persons in the course of such inquiries, they shall make application to the Judge of the proper Dewanny Adawlut to summon them to attend, and the court of wards and Collectors are empowered to administer oaths to such persons, if necessary, under the rules and restrictions prescribed to the zillah and city courts for the administration of oaths. The court of wards are to transmit copies of any judgments which may be given by them, under this clause, against a Collector, guardian, or manager, to the court of Dewanny Adawlut of the zillah, and they shall be considered as judgments of the court and be enforced accordingly. An appeal, however, shall lie from such judgments immediately to the Sudder Dewanny Adawlut, provided the petition of appeal be preferred to the zillah court, or to the Sudder Dewanny Adawlut, or to the court of wards, within three months after the date of the decision; and the Sudder Dewanny Adawlut is empowered to admit an appeal after that period, provided the petition of appeal be presented to that court, and the appellant shall shew good cause, to its satisfaction, for not having preferred the appeal within the prescribed time.

No adoption by disqualified landholders valid without previous consent of the court of wards.

XXXIII. No adoption by disqualified landholders is to be deemed valid without the previous consent of the court of wards, on application made to them through the Collector.

Information to accompany the Collector's reports of disqualified landholders.

XXXIV. When the Collectors report to the Board of Revenue the disqualification of any landholder, they are at the same time to state the condition of the party, the particulars of his or her estate, real and personal, as far as can be ascertained, and the person who may appear to them most eligible for manager and guardian, with the grounds of such opinion. In cases of testamentary appointments of guardians, they are also to notice the same, adding whether there be any and what objections to the confirmation of such appointments.

Collectors to make such further reports as may be required by the court of wards, and they, as well as managers and guardians, to observe all instructions transmitted by that court, not contrary to these or future Regulations of the Governor General in Council.

XXXV. The Collectors are further to make such monthly or annual reports to the court of wards as may be required by them, and they, as well as managers and guardians, are to observe all instructions transmitted to them by the court of wards, not contrary to this Regulation or such other Regulations as may be hereafter enacted by the Governor General in Council.

Collectors, managers, and guardians, liable to be sued for any act done in opposition to this Regulation, or any breach of their respective trusts, after the estate shall be removed from under the charge of the court of wards.

XXXVI. If a proprietor shall have been declared disqualified and shall have been afterwards restored, or if the estate of any disqualified proprietor shall legally devolve to or come into the possession of any person not disqualified for the management of it, such proprietor, or his or her heir or successor, is declared entitled to sue the Collector, the guardian (if such disqualified proprietor shall have had a guardian), or the manager, in the proper zillah or city court, for any acts done by them respectively whilst the estate may have been under the charge of the court of wards, in opposition to this or any other Regulation that may be hereafter enacted regarding disqualified proprietors and their estates, or to any order issued by the court of wards, or for any breach of their respective trusts. The rules regarding the suits specified in Section XXXIII., Regulation XIV. 1793, which the Collectors are required to defend at their own risk and expense, are to be considered applicable to suits that may be instituted against Collectors under this section.

A. D. 1793. REGULATION XI.

A Regulation *for removing certain Restrictions to the Operation of the Hindoo and Mahomedan Laws, with regard to the Inheritance of landed Property, subject to the Payment of Revenue to Government:* Passed *by the Governor General in Council on the* 1st *May* 1793 *(corresponding with the* 21st *Bysaak,* 1200 *Bengal era; the* 6th *Bysaak,* 1200 *Fussily; the* 21st *Bysaak,* 1200 *Willaity; the* 6th *Bysaak,* 1850 *Sumbut; and the* 19th *Ramzaan,* 1207 *Higeree).*

I. A custom, originating in considerations of financial convenience, was established in these provinces under the Native Administrations, according to which some of the most extensive zemindarries are not liable to division. Upon the death of the proprietor of one of these estates, it devolves entire to the eldest son, or next heir of the deceased, to the exclusion of all other sons or relations. This custom is repugnant both to the Hindoo and Mahomedan laws, which annex to primogeniture no exclusive right of succession to landed property, and consequently subversive of the rights of those individuals who would be entitled to a share of the estates in question, were the established laws of inheritance allowed to operate with regard to them as well as all other estates. It likewise tends to prevent the general improvement of the country, from the proprietors of these large estates not having the means, or being unable to bestow the attention requisite for bringing into cultivation the extensive tracts of waste land comprised in them. For the above reasons, and as the limitation of the public demand upon the estates of individuals as they now exist, and the rules prescribed for apportioning the amount of it on the several shares of any estates which may be divided, obviate the objections and inconveniences that might have arisen from such divisions when the public demand was liable to annual or frequent variation, the Governor General in Council has enacted the following rules.

After the 1st July 1794, landed property to descend according to the Mahomedan or Hindoo law, unless the last proprietor shall have otherwise disposed of it in a manner sanctioned by those laws.

II. After the 1st of July 1794, corresponding with the 20th Assar, 1201 Bengal era; the 17th Assar, 1201 Fussily; 20th Assar, 1201 Willaity; 17th Assar, 1851 Sumbut; and the 2d Zehigeh, 1208 Higeree; if any Zemindar, independent Talookdar, or other actual proprietor of land, shall die without a will, or without having declared by a writing, or verbally, to whom and in what manner his or her landed property is to devolve after his or her demise, and shall leave two or more heirs, who by the Mahomedan or Hindoo law (according as the parties may be of the former or latter persuasion) may be respectively entitled to succeed to a portion of the landed property of the deceased, such persons shall succeed to the shares to which they may be so entitled.

Two or more persons succeeding to an estate, to be at liberty to hold it as a joint undivided estate; or one or more, or all of the sharers, allowed to have separate possession of his or their shares; or two or more, of the sharers permitted to hold their shares as a joint undivided estate.

III. If any Zemindar, independent Talookdar, or other actual proprietor of land, shall die subsequent to the period specified in Section II. without a will, or without having declared by a writing, or verbally, to whom and in what manner his or her landed property is to devolve after his or her demise; and shall leave two or more heirs who, by the Mahomedan or Hindoo law (according as the parties may be of the former or latter persuasion) shall be respectively entitled to succeed to a portion of the landed property of the deceased, under the rule contained in that section, such persons shall be at liberty, if they shall prefer so doing, to hold the property as a joint undivided estate. If one or more, or all of the sharers, shall be desirous of having separate possession of their respective shares, a division of the estate shall be made in the manner directed in Regulation XXV. 1793, and such sharer or sharers shall have the separate possession of such share or shares accordingly. If there shall be three or more sharers, and any two or more of them shall be desirous of holding their shares as a joint undivided estate, they shall be permitted to keep their shares united accordingly.

Manager to be appointed to shares held as joint property.

Shares held separate how to be assessed.

IV. It is to be understood, that if any two or more sharers shall keep their shares united, under the option granted to them in Section III., a manager for their joint-estate is to be appointed under the rules contained in Sections XXIII., XXIV., XXV., XXVI., Regulation VIII., 1793; and that if any one or more of such sharers shall apply to have the separate possession of his or their share or shares, the proportion of the public jumma charged upon the whole estate which is to be assessed upon such share or shares is to be adjusted according to the rules prescribed in Section X., Regulation I. 1793. If the estate is held khas, or let in farm, the provisions contained in Section XI., Regulation I. 1793, regarding estates so circumstanced which may be divided, will be applicable to it.

This Regulation not to be in force until the 1st July 1794, and then not to operate retrospectively.

V. Nothing contained in this Regulation is to be construed to entitle any person to a share of an estate which may be now held entire by any individual, or that may devolve entire to any individual prior to the 1st July 1794, in exclusion of the other heirs of the last proprietor, under the custom for the future abolition of which this Regulation is enacted.

Nor to prevent persons transferring their property in the manner and to whom they may think proper, provided the transfer be not repugnant to the Hindoo or Mahomedan law, or the Regulations of the Governor General in Council.

VI. Nor to prohibit any actual proprietor of land bequeathing or transferring by will, or by a declaration in writing, or verbally, either prior or subsequent to the 1st July 1794, his or her landed estate entire to his or her eldest son or next heir, or other son or heir, in exclusion of all other sons or heirs, or to any person or persons, or to two or more of his or her heirs, in exclusion of all other persons or heirs, in the proportions, and to be held in the manner which such proprietor may think proper; provided that the bequest or transfer be not repugnant to any Regulations that have been or may be passed by the Governor General in Council, nor contrary to the Hindoo or Mahomedan law; and that the bequest or transfer, whether made by a will or other writing, or verbally, be authenticated by, or made before such witnesses, and in such manner as those laws and Regulations respectively do or may require.

A.D. 1793. REGULATION XII.

A REGULATION *for the Appointment of the Hindoo and Mahomedan Law Officers of the Civil and Criminal Courts of Judicature:* PASSED *by the Governor General in Council on the* 1st *May* 1793 *(corresponding with the* 21st *Bysaak,* 1200 *Bengal era; the* 6th *Bysaak,* 1200 *Fussily; the* 21st *Bysaak,* 1200 *Willaity; the* 6th *Bysaak,* 1850 *Sumbut; and the* 19th *Ramzaan,* 1207 *Higeree).*

I. IT is essential to the due administration of justice, that the law offices in the courts of judicature should be held by men of integrity, well versed in the laws, and that they should be so constituted as to render persons possessing the requisite qualifications solicitous to obtain them, and to afford every encouragement to such persons, when appointed, to continue to discharge their duty with uprightness. It is likewise necessary, upon general principles, that the law officers should be subject to penalties for misconduct, that they may be deterred from abusing their important trusts. The following rules have been accordingly enacted.

Law officers of the civil and criminal courts to be appointed by the Governor General in Council;

II. The law officers of the Sudder Dewanny Adawlut, the Nizamut Adawlut, the provincial courts of appeal, the courts of circuit, and the zillah and city courts, are to be appointed by the Governor General in Council, and shall not and not to be removable but for incapacity, or misconduct in their public, or profligacy in their private character, proved to his satisfaction.

not be removable but for incapacity or misconduct in the performance of their public duty, or for any act of flagrant profligacy in their private conduct, proved to his satisfaction.

Qualifications for the law officers.

III. The law offices in the several courts are to be conferred on persons well versed in the laws, and of unblemished moral characters.

Mahomedan law officers of the Sudder Dewanny Adawlut and the provincial courts of appeal to be the law officers of the Nizamut Adawlut and courts of circuit.

IV. The Cauzy and Mufties to the Sudder Dewanny Adawlut shall be the Cauzy and Mufties to the Nizamut Adawlut; and the Cauzy and Mufty of the provincial courts of appeal of each division shall be the Cauzy and Mufty to the court of circuit of the same division.

Oath to be taken by the Mahomedan law officers of the civil courts of judicature previous to their entering upon their offices.

V. *First.* The Mahomedan law officers of the courts of civil judicature, previous to entering upon the execution of the duties of their offices, are to take and subscribe the following oath before the court to which they may be respectively attached:

"I, A. B., Cauzy (or Mufty) to the Sudder Dewanny Adawlut (or the "provincial court of appeal for the division of ...., or the Dewanny "Adawlut of the zillah or city of ....,) solemnly swear, that I will "truly and faithfully perform the duties of Cauzy (or Mufty) of this court, "according to the best of my knowledge and ability; that I will not receive, "directly or indirectly, any present or nuzzer, in money or effects of any "kind, from any party or person whomsoever, on account of any suit to be "instituted, or which may be depending or have been decided in the court "of which I am Cauzy (or Mufty); and that I will not, directly or indirectly, "derive any advantage or emolument from my office, excepting such as the "orders of Government do or may authorize me to receive."

Second. At the expiration of every six months, that is, on the first of January and the 1st of July in each year, the Cauzies and Mufties of the courts of civil judicature are to take and subscribe the following oath before their respective courts:

"I, A. B., Cauzy (or Mufty) to the Sudder Dewanny Adawlut (or the pro"vincial court of appeal for the division of ...., or the Dewanny "Adawlut of the zillah or city of ....), solemnly swear, that from the "1st of January to the 30th June last (or from the 1st of July to the 31st of "December last) I have truly and faithfully executed the duties of Cauzy "(or Mufty) of this court, to the best of my knowledge and ability; that I "have not received, directly or indirectly, any present or nuzzer, in money "or effects of any kind, from any party or person whomsoever, on account "of any suit which has been or is to be instituted, or is depending, or has "been decided in the court of which I am Cauzy (or Mufty); and that I "have not, directly or indirectly, derived any advantage or emolument from "my office, excepting such as the orders of Government authorized me to "receive."

Mahomedan law officers of the Sudder Dewanny Adawlut and the provincial courts of appeal to take the oaths in Regulation IX. 1793, as law officers to the criminal courts.

VI. The Mahomedan law officers of the Sudder Dewanny Adawlut and the provincial courts of appeal are to take the oaths prescribed in Regulation IX. 1793, in their respective capacities of law officers to the Nizamut Adawlut and the courts of circuit.

Declaration to be made by the Pundits to

VII. The Pundits to the courts of civil judicature, previous to entering upon the execution of the duties of their offices, are to make and subscribe the following declaration before the courts to which they may be respectively attached:

the courts of civil judicature.

"I, A. B., Pundit to the Sudder Dewanny Adawlut (or the provincial "court of appeal for the division of ...., or the Dewanny Adawlut of "the zillah or city of ....), solemnly declare, that I will truly and faithfully execute the office of Pundit of this court according to the best of my "knowledge and ability; that I will answer all questions that may be put to "me in writing or orally by the said court; that I will declare or give in "writing what is in the Shaster; that I will not declare or give in writing what "is not warranted by the Shaster; that if I declare any thing not warranted "by the Shaster I shall be deserving of punishment from Ishwur. I promise "and swear that I will not receive, directly or indirectly, any present or nuzzer, in money or effects of any kind, from any party or person whomsoever, "on account of any suit to be instituted, or which may be depending, or have "been decided in the court of which I am Pundit, and that I will not, directly "or indirectly, derive any advantage or emolument from my office, excepting "such as the orders of Government do or may authorize me to receive."

Courts how to proceed in charges of corruption or extortion that may be preferred against law officers.

VIII. *First.* The rules prescribed in Section IX. Regulation XIII. 1793, respecting charges of corruption or extortion lodged against the native ministerial officers of the civil and criminal courts, are to be held applicable to charges of a similar nature that may be preferred against the Hindoo or Mahomedan law officers of the several courts, with the following qualifications:

An appeal to lie to the Sudder Dewanny Adawlut from all decisions whatever passed by the provincial courts of appeal under this section.

Second. An appeal shall lie to the Sudder Dewanny Adawlut from all decisions which may be passed by the provincial courts of appeal, whereby a charge of corruption or extortion against any law officer may be decreed not proved, or by which any such charge may be adjudged to be proved, whatever may be the amount decreed to be paid, notwithstanding any thing that may be said to the contrary in any Regulation passed on this date.

Cases in which decrees passed by the provincial courts or the zillah or city courts on such charges are not to be enforced.

Third. No decree passed by any zillah or city court, or any provincial court of appeal, adjudging a Hindoo or Mahomedan law officer guilty of corruption or extortion, shall be carried into execution, in the event of the law officer against whom such decree may be passed appealing from the decree, and giving the Securities required by Section XII. Regulation V. 1793, and Section X. Regulation VI. 1793, in cases of appeals from decisions for sums of money passed by those courts respectively, and the execution of which they are empowered to suspend upon such securities being given.

Cases in which the zillah or city courts are to transmit decrees adjudging their law officers guilty of corruption or extortion to the Governor General in Council.

Fourth. The zillah and city courts are to enforce, by the usual process, all decrees that they may pass adjudging their law officers guilty of corruption or extortion, which may not be appealed against within the limited time, and transmit copies of the decrees to the Governor General in Council.

Cases in which the provincial courts are to transmit such decrees to the Governor General in Council.

Fifth. The provincial courts are to enforce, by the usual process, all decrees which they may pass adjudging their own law officers, or the law officers of any zillah or city court, guilty of corruption or extortion, that may not be appealed against within the limited period, and transmit copies of the decrees to the Governor General in Council.

Sixth. The Sudder Dewanny Adawlut is to transmit to the Governor General

Sudder Dewanny Adawlut to transmit such decrees to the Governor General in Council.

in Council a copy of every decree which they may pass, adjudging a law officer of any civil or criminal court guilty of corruption or extortion, within one week after it may be given.

Power reserved by the Governor General in Council in cases of law officers being convicted of corruption or extortion.

Seventh. The Governor General in Council, upon the receipt of any decree adjudging a law officer of a civil or criminal court guilty of corruption or extortion, which may be transmitted to him under this section, reserves to himself the power of dismissing the offender from his office, or of both dismissing him from his office and declaring him incapable of exercising any employment under Government. The Governor General in Council likewise reserves to himself the power of suspending any law officer against whom a charge of corruption or extortion may be preferred, until a final decision shall be passed on the charge, whenever it may appear to him expedient, either upon the representation of any of the courts of judicature, or in consequence of any other information which may come before him.

All final decrees adjudging such charges not proved are to be transmitted to the Governor General in Council.

Eighth. When a provincial court of appeal, or a zillah or a city court shall adjudge a charge of corruption or extortion that may have been preferred against any law officer not to be proved, and the prosecutor shall not appeal from the decree within the limited time, the court is to transmit a copy of it to the Governor General in Council. The Sudder Dewanny Adawlut, within the above-mentioned period, are to transmit to the Governor General in Council copies of all decrees which they may pass, whereby any charge of corruption or extortion that may have been preferred against any law officer may be adjudged not proved.

Courts how to proceed when vacancies occur in the law offices in their respective courts.

IX. Upon a vacancy occurring in any law office in a court of judicature by death or resignation, the court is to report the vacancy to the Governor General in Council and recommend a person duly qualified to fill it. The Governor General in Council will either appoint the person so recommended, or any other person whom he may deem better qualified for the office.

A. D. 1793. REGULATION XIII.

A REGULATION *for the Appointment of the ministerial Officers of the Civil and Criminal Courts of Judicature, and prescribing their respective Duties:* PASSED *by the Governor General in Council on the 1st May, 1793 (corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree).*

I. THE following rules have been enacted for the appointment of the ministerial officers of the civil and criminal courts of judicature, and for regulating their respective duties, including also provisions for receiving and trying any charges of corruption or extortion that may be preferred against them, or any private servants or dependents of the Judges of the courts.

Courts to appoint their native officers.

Exceptions to the rule.

II. The courts of civil and criminal judicature are to appoint their respective native officers conformably to their establishments (excepting the Naibs of the

Nazirs, the Mirdahs, and the Peons), and are empowered to remove such officers for incapacity, misconduct, or other cause that may appear to them sufficient, and nominate other persons duly qualified for the appointments. The Nazirs are to appoint their own Naibs and Mirdahs, and the Peons of the courts to which they may respectively belong, and to remove them at their pleasure. The Nazirs are to enter into a mochulka or penal obligation, in such sum as may be required by the courts to which they may be respectively attached, for the good behaviour of the Naibs, Mirdahs, and Peons, whom they may appoint. The courts are authorized to require similar mochulkas or penal obligations, in such sums as they may judge proper, from the other native officers of their respective courts.

To remove them when they may judge it proper.

Nazirs to appoint their own Naibs, Mirdahs, and Peons.

To execute penalty bonds for their good behaviour.

Courts empowered to take similar obligations from the other native officers.

Oath to be taken by the Registers and their Assistants, and other ministerial officers, being covenanted servants of the Company.

III. *First.* The Registers to the courts of civil judicature and their Assistants, and all ministerial officers of the courts who may be covenanted servants of the Company, are to be appointed by the Governor General in Council. Previous to entering upon the execution of the duties of their respective offices, they are to take and subscribe the following oath in open court, before the Judge or Judges of the court to which they may be attached:

" I, A. B., Register (or Assistant to the Register or other officer) to the
" Sudder Dewanny Adawlut (or the provincial court of appeal for the division
" of ...., or the Dewanny Adawlut of the zillah or city of ....),
" solemnly swear, that I will truly and faithfully perform the duties of Register
" (or Assistant to the Register or other officer) to this court, according to the
" best of my knowledge and ability; that I will not receive, directly or indi-
" rectly, any present or nuzzer, in money or effects of any kind, from any
" party or person whomsoever, on account of any suit to be instituted, or
" which may be depending, or have been decided in the court of Adawlut of
" which I am appointed Register (or to the Register of which I am Assistant,
" or other officer); that I will not knowingly permit any person or persons
" under my authority or in my immediate service, to receive, directly or indi-
" rectly, any present or nuzzer in money or effects, from any party or person
" whomsoever, on account of any suit to be instituted, or which may be
" depending or have been decided in the court; that I will not be concerned,
" directly or indirectly, in the purchase of any goods or commodities in the
" British dominions in Bengal for the purpose of remitting money to Europe,
" nor in an ycommercial transactions; and that I will not derive, directly or
" indirectly, any emoluments or advantages from my station, excepting such
" as the orders of Government do or may authorize me to receive: So help
" me God."

Registers to the Sudder Dewanny Adawlut, and the provincial courts of appeal, and other officers being Company's servants, to take the oath in Regulation IX, in their capacity of officers of the criminal courts.

Second. The Registers to the Sudder Dewanny Adawlut and the provincial courts of appeal and their Assistants, and all ministerial officers of those courts, being covenanted servants of the Company, in their respective capacities of Registers, and Assistants to the Registers or officers to the Nizamut Adawlut and the courts of circuit, are to take the oath prescribed in Section XXXV, Regulation IX. 1793.

Oath to be taken by certain of the native officers of the civil and criminal courts.

IV. The Serishtadars, or other head native officers, Moonshees, Mohurrers, and Nazirs of the civil and criminal courts, previous to entering upon the execution of the duties of their offices, are to take and subscribe the following

lowing oath in open court, before the Judge or Judges of the court to which they may be attached.

"I, A. B., appointed to the office of Serishtadar (or other head officer, or "Moonshee, Mohurrer, or Nazir) to the Sudder Dewanny Adawlut or the "Nizamut Adawlut (or the provincial court of appeal for the division of "…………, or the court of circuit for the division of …………, or the "Dewanny Adawlut of the zillah or city of …………), solemnly swear, "that I will truly and faithfully perform the duties of the office to which I "have been nominated to the best of my knowledge and ability; that I will "not receive, directly or indirectly, any present or nuzzer, in money or "effects of any kind, from any party whomsoever, on account of any suit "to be instituted, or which may be depending or have been decided in the "court; that I will not knowingly permit any person or persons under my "authority, or in my immediate service, to receive, directly or indirectly, "any present or nuzzer, in money or effects, from any party or person "whomsoever, on account of any suit to be instituted, or which may be "depending or have been decided in the court; and that I will not derive, "directly or indirectly, any advantages or emoluments from my office, ex- "cepting such as the orders of Government do or may authorize me to "receive."

Ministerial officers to perform all such official acts as may be prescribed to them by the Judges.

V. The Registers to the civil and criminal courts are to perform all such official acts as may be prescribed to them by the Judges of the courts, who are empowered to assign to all ministerial officers attached to their several courts the particular duties or business to be performed by them respectively.

Suits which the Judges of the zillah and city courts are empowered to refer to their Registers for trial and decision.

VI. The Judges of the zillah and city courts are empowered to authorize the Registers of their respective courts to try and decide suits for money, or any personal property, where the amount or the value of the thing contested shall not exceed the sum of two hundred sicca rupees, and for mulguzarry land, the annual produce of which shall not be above two hundred sicca rupees, and for lakheraje land, the produce of which shall not be more than twenty sicca rupees per annum. The Register is to try and decide such suits in open court, at times when the Judge himself shall not sit. The decrees passed by the Register are to be signed by him, and countersigned by the Judge to denote his approbation of them, and are not to be considered valid unless they are so countersigned. The rules in this section are not to be construed to empower the provincial courts of appeal to authorize their Registers to try and decide any appeals whatever that may be preferred to them from the decision of any zillah or city court.

Registers of the provincial courts not to be authorized to decide upon any appeals whatever.

Registers to the zillah and city courts not to officiate as Judges without the sanction of the Governor General in Council.

Registers to the civil and criminal courts not to exercise any powers but such as are vested in them by the Regulations.

VII. The Registers to the zillah and city courts are not to exercise the powers of Judge, in the event of the temporary absence or indisposition of the Judge of the court or of the office of Judge being vacant, without the express sanction of the Governor General in Council; nor are the Registers to any of the civil or criminal courts of judicature to exercise any judicial or other powers in any case or matter coming within the cognizance of the courts, excepting the powers which they may be authorized to exercise by any Regulation passed on the 1st May 1793, or that may be enacted subsequent to that date, and printed and published in the manner directed in Regulation XLI. 1793.

Duties to be performed by the Registers, Assistants, and native officers.

VIII. The Registers to the civil and criminal courts, after the rising of the courts, are to procure all acts of the courts to be executed. The Assistants to the Registers, and the native officers attached to the courts, are to assist the Registers in performing the above-mentioned duties, and in translating and transcribing papers, and in arranging and keeping the records of the courts. The Registers and their Assistants, and the native officers, are to perform the duties specified in this section, in the manner and conformably to the rules which the Judges of the courts to which they may be respectively attached may think it proper to prescribe. The native officers of each court are not to interfere in any other manner than as above directed, publicly or privately, in any cause or matter depending before the court, or which may have been or shall be intended to be brought before it.

Ministerial officers of the courts amenable to their respective courts for corruption and extortion.

IX. *First.* The ministerial officers of the civil and criminal courts (under which designation are comprehended the Registers and the Assistants to the Registers, or any other subordinate officers being covenanted servants of the Company, and all native officers attached to the courts, excepting the law officers), are declared amenable to the courts to which they may be respectively attached for acts of corruption or extortion; and the courts are empowered to receive any such charges that may be preferred against them. Previous, however, to receiving the charge, the courts are to require the complainant to make oath to the truth of it (or subscribe the required declaration, if he shall come within the description of persons whom the courts are empowered to exempt from taking oaths), and give security, in whatever sum they may judge proper, to prosecute the charge without delay. Unless the complainant shall previously take the oath, or subscribe the above-mentioned declaration and give the required security, the courts are not to receive the charge.

Oath or declaration to be made, and security to be given by the complainant before the court receive the charge.

Charge to be rejected, unless the complainant shall make the required oath or declaration and give security.

Case in which the Sudder Dewanny Adawlut and the Nizamut Adawlut are empowered to receive charges of corruption or extortion, against the ministerial officers of the provincial courts of appeal and courts of circuit.

Second. The Sudder Dewanny Adawlut and the Nizamut Adawlut are empowered to receive any charge of corruption or extortion, not relating to any suit or matter depending before them or decided by them, that may be preferred to them against any ministerial officer of a provincial court of appeal or a court of circuit, and to refer it to the court to which the accused may be attached, by a precept under the seal of the court and attested by the Register, provided the complainant shall prove to their satisfaction, that he preferred the charge in the first instance to such court, and offered to make the required oath or declaration and to give the security prescribed in Clause First, and that the court notwithstanding omitted or refused to receive the charge; and shall moreover make the required oath or declaration, and enter into the security prescribed in the above-mentioned clause. But if any person shall prefer a charge of corruption or extortion against any ministerial officer of a provincial court of appeal or a court of circuit, to the Sudder Dewanny Adawlut or the Nizamut Adawlut, in any appeal or matter which may be depending or have been decided in the two last-mentioned courts, the courts may receive the charge, and refer it to the provincial court of appeal or the court of circuit to which the accused may be attached, without

How the courts are to proceed, if the charge shall not relate to any matter depending before them or decided by them.

How the courts are to proceed if the charge relate to any matter depending before them or decided by them.

further inquiry, provided the complainant shall previously make the oath or declaration, and give the security required in Clause First.

Cases in which the Sudder Dewanny Adawlut is empowered to receive charges of corruption or extortion against the ministerial officers of any zillah or city court.

How the court is to proceed, if the charge relate not to any matter depending before it or which may have been decided by it.

Third. The Sudder Dewanny Adawlut is empowered to receive charges of corruption or extortion, not relating to any matter depending before them or decided by them, that may be preferred to them against any ministerial officer of a zillah or a city court, and to order the court to which the accused may be attached, by a precept under their seal and attested by their Register, to receive the charge, provided the complainant shall prove to their satisfaction, that he preferred the charge in the first instance to such zillah or city court, and offered to make the required oath or declaration and give the security prescribed in Clause First, and that the court notwithstanding omitted or refused to receive the charge; and provided, also, that the complainant shall further prove to the satisfaction of the court, that in consequence of such refusal he preferred the charge to the provincial court of appeal of the division, and offered to make the required oath or declaration and give the security prescribed in Clause First, and that the provincial court nevertheless omitted or refused to receive the charge; and shall moreover make the required oath or declaration, and enter into the security prescribed in the above-mentioned clause. The Sudder Dewanny Adawlut is likewise empowered to receive charges of corruption or extortion, which may be preferred against a ministerial officer of a zillah or city court, that may have been preferred in the first instance to the provincial court, in any appeal or matter depending before it or which may have been decided by it, and to refer it to such provincial court, or to the zillah or city court to which the accused may be attached, provided the complainant shall prove to the satisfaction of the court, that he preferred the charge to the provincial court, and offered to make the required oath or declaration and give the security prescribed in Clause First, and shall moreover make the required oath or declaration and enter into the security prescribed in the above-mentioned clause. But if any person shall charge a ministerial officer of any zillah or city court before the Sudder Dewanny Adawlut with corruption or extortion in any suit or matter that may be depending before it, or which may have been decided by it, the court may receive the charge, and refer it for trial to the zillah or city court to which the offender may be attached, without further inquiry, provided the complainant shall previously make the prescribed oath or declaration to the truth of the charge, and give the security required in Clause First.

Court how to proceed if the charge relate to any matter depending before it or which may have been decided by it.

Cases in which the provincial courts of appeal are empowered to receive charges of corruption or extortion against the ministerial officers of the zillah or city courts.

Fourth. The provincial courts of appeal are empowered to receive any charge of corruption not relating to any suit or matter depending before them or decided by them, that may be preferred to them against any of the ministerial officers of the zillah and city courts within their respective jurisdictions, and to refer the charge to the court to which the accused may be attached, provided it be proved to their satisfaction, that the accuser preferred the charge in the first instance to such zillah or city court, and offered to make the oath or declaration, and give the security required in Clause First, and that the court notwithstanding omitted or refused to receive the charge. But if any person shall charge a ministerial officer of any zillah or city court with corruption or extortion, in any appeal or matter which may be depending or have been decided in the provincial court, such court may receive the charge, and refer it to the zillah or city court to which the accused may be attached without further inquiry, provided the complainant shall previously make the prescribed oath or declaration, and give the security required in Clause First.

Sudder Dewanny Adawlut and Nizamut Adawlut how to proceed, in the event of their receiving a charge of corruption or extortion, and there appearing to them objections to referring it to the court to which the accused may be attached.

Fifth. If the Nizamut Adawlut shall receive a charge of corruption or extortion against any ministerial officer of a court of circuit, or if the Sudder Dewanny Adawlut shall receive any such charge against a ministerial officer of a provincial court of appeal or a zillah or city court, and there shall appear to those superior courts, respectively, upon a consideration of the circumstances of the case, any objections to referring the charge to the court to which the accused may be attached, they are empowered, according as they may judge expedient, either to cause the charge to be tried by the Sudder Dewanny Adawlut, or if the charge be against any ministerial officer of a zillah or a city court, to cause it to be tried by the provincial court of appeal of the division in which such court may be situated.

Provincial courts how to proceed, in the event of their receiving a charge of corruption or extortion, and there appearing to them any objections to the referring it to the court to which the accused may be attached.

Sixth. If a provincial court of appeal shall receive a charge of corruption or extortion against any ministerial officer of a zillah or city court, and there shall appear to the court, upon a consideration of the circumstances of the case, any objections to referring the charge to the court to which the accused may be attached, they are to report the grounds of their objections to the Sudder Dewanny Adawlut, which court are empowered to cause the charge to be tried by such provincial, or zillah, or city court, according as they may deem expedient.

In what courts charges of corruption or extortion, preferred against any ministerial officer of a court, are to be tried.

Seventh. Charges of corruption or extortion that may be preferred against the ministerial officers of any civil or criminal court of judicature under this section, are to be considered as civil actions, and accordingly are to be prosecuted in the civil courts. Conformably to this rule, whenever the Sudder Dewanny Adawlut or the Nizamut Adawlut may receive any such charge against their own officers, or exercise the powers vested in them by Clause Fifth, they are to direct the complainant to prosecute the charge in the Sudder Dewanny Adawlut: and whenever the provincial courts of appeal or the courts of circuit may receive any such charge against any of their own ministerial officers, or the ministerial officers of any zillah or city court, or in the event of any such charge being referred to them, they are to direct the complainant to prosecute the charge before the provincial court of appeal: and whenever any zillah or city court may receive any such charge against their ministerial officers, or any such charge may be referred to them by the Sudder Dewanny Adawlut or the provincial court of appeal, they are to direct the complainant to prosecute the charge in the Dewanny Adawlut.

Judgment to be passed by the courts, in the event of a charge of corruption or extortion being proved, in whole or in part, against any native ministerial officer.

Eighth. If a native ministerial officer of any civil or criminal court, who may be prosecuted for corruption or extortion under this section, shall be proved to have received or taken the whole or any part of the money or property which he may be charged with having received or taken, the court is to adjudge him to refund the amount or value of the money or property which he may be so proved to have so received or taken, and to pay a fine of three times the amount of it to Government. In enforcing the decision, the court is to observe the rules prescribed for enforcing other decisions of the court. If the officer against whom such decree may be passed shall not appeal from it within the limited time, or if an appeal shall not lie from the decision, the court is to transmit a copy of the decree to the Governor General in Council. If an appeal shall lie from the decision, and such officer shall prefer an appeal, and the decision shall be confirmed in appeal, the court by which the final decision may be passed is to transmit a copy of it to the Governor General in Council, who reserves to himself the power of declaring such officer incapable of serving Government in any capacity. The courts may suspend a native officer against whom a charge of corruption or extortion may be preferred until the final decision may be passed, if they shall see cause for so doing.

Judgment to be passed by the courts, in the event of a charge of corruption or extortion being proved, in whole or in part, against any ministerial officer, being a covenanted servant of the Company.

Ninth. If a ministerial officer of any civil or criminal court, being a covenanted servant of the Company, who may be prosecuted for corruption or extortion under this section, shall be proved to have received or taken the whole or any part of the money or property which he may be charged with having received or taken, the court shall adjudge him to refund the amount or value of the money or property which he may be proved to have received or taken, and to pay a fine of three times the amount to Government. If the officer against whom such decree may be passed shall not appeal from it within the limited time, the court by which the decree may be given is to transmit a copy of it to the Governor General in Council. If an appeal shall lie from the decision, and the decree shall be confirmed in appeal, the court in which the final decision may be passed is to transmit a copy of it, within one week after it may be passed, to the Governor General in Council, who will order the amount of the decree to be deducted from the allowances payable to such officer from Government, or take such other measures as he may judge expedient for enforcing payment of it. The Governor General in Council, provided he shall think it proper so to do, will dismiss such officer from his appointment, or both dismiss him from his appointment and suspend him from the service of the Honourable Company. A copy of every decree passed by a court, acquitting a ministerial officer of a charge of corruption or extortion, is to be transmitted by the court to the Governor General in Council within one week after it may be passed. The Governor General in Council, in cases in which from the circumstances he may judge it expedient, will suspend any such ministerial officer from his appointment until a final decision be passed on the charge.

Process issued against servants of the Company under this section how to be served.

Tenth. All process which may be issued, under this section, against the ministerial officer of any court who may be a covenanted servant of the Company, is to be transmitted to him under a cover sealed in the form of a letter, directed to his address and superscribed by the Register, with his name and official appellation; or if the charge be against the Register of the court from which the process may issue, the superscription is to be made by any ministerial officer attached to the court being a covenanted servant of the Company; or if there be no such servant, by the Judge of the court, if it be a zillah court, or if it be a court of appeal, by the junior Judge of the court. The officer to whom the process may be issued is to return it under a cover to the Judge or officer by whom the cover may be superscribed, with an endorsement acknowledging the receipt of the process.

An appeal to lie to the Sudder Dewanny

Eleventh. An appeal shall lie to the Sudder Dewanny Adawlut from all decisions that may be passed by any provincial court of appeal, on charges of corruption or extortion preferred against any ministerial officer of a civil or criminal court being a covenanted civil servant of the Company, whether the decree adjudge the charge proved or not, and whatever may be the amount decreed, notwithstanding any thing that may be said to the contrary in any Regulation passed on this date.

Adawlut from all decrees whatever that may be passed by the provincial courts of appeal under this section, against civil covenanted servants of the Company.

Twelfth. If any person shall prefer a charge of corruption or extortion against a ministerial officer of any civil or criminal court of judicature under this section, and the charge shall not be proved, the accused is to have the option of suing the accuser for damages in any court of civil judicature to which he may be amenable.

Officers at liberty to prosecute persons preferring groundless charges against them under this section.

X. The provincial courts of appeal, and the courts of circuit, and the zillah and city courts, are enjoined to report to the Sudder Dewanny Adawlut or to the Nizamut Adawlut (according to the nature of the case) whenever their Registers, or the Assistants to their Registers, or other ministerial officers attached to their courts who may be covenanted servants of the Company, shall be guilty of neglect or misconduct (other than corruption or extortion) in the discharge of their duty.

Courts of appeal and circuit, and zillah and city courts, to report any misconduct of their Registers or their Assistants.

XI. If a native servant or dependent of any Judge of a civil or criminal court of judicature, not being a public officer attached to the court, shall extort or receive, directly or indirectly, any money or other valuable consideration, under any pretence whatever, from any party or person, on account of any suit to be instituted, or that may be depending or have been decided in the court, he shall be committed as for a contempt of court, and be punished by a fine equal to treble the sum of money extorted or received, or by imprisonment or corporal punishment, at the discretion of the court; and the Judge is required to discharge such servant or dependent, and never to employ him, directly or indirectly, in his public or private capacity. If the offender shall not appeal against the decree within the limited time, or if an appeal shall not lie from the decision, or if the decision shall be confirmed in appeal, the court by which the final decree may be passed shall transmit a copy of it to the Governor General in Council, who, in addition to the penalties or punishments specified in the decree, will, if there shall appear to him grounds for so doing, declare the offender incapable of serving Government in any capacity.

Punishment for persons not attached to the courts, convicted of corruption or extortion.

A. C.

A.D. 1793. REGULATION XIV.

A REGULATION *for the Recovery of Arrears of the public Revenue assessed upon the Lands, from Zemindars, independent Talookdars, and other actual Proprietors of Land, and Farmers of Land holding Farms immediately of Government:* PASSED *by the Governor General in Council on the* 1*st May* 1793 (*corresponding with the* 21*st Bysaak,* 1200 *Bengal era; the* 6*th Bysaak,* 1200 *Fussily; the* 21*st Bysaak,* 1200 *Willaity; the* 6*th Bysaak,* 1850 *Sumbut; and the* 19*th Ramzaan,* 1207 *Higeree*).

I. To ensure the punctual collection of the annual revenue payable to Government by the proprietors and farmers of land, it is essential that the Collectors should be armed with powers to enforce the discharge of it, without having recourse to the courts of justice, as the delay that must necessarily attend the institution of a law process for the recovery of every arrear, would encourage persons destitute of good faith to withhold the public dues, and render the collection of them a source of endless litigation. It is equally requisite, upon general principles, that the Collectors should exercise these powers at their own peril, that they may be deterred from abusing them for the purposes of exaction and oppression, whereby the improvement of landed property would be discouraged, and the value of it continue uncertain and consequently depreciated. The Collectors having in their possession the engagements of the proprietors and farmers of land, which specify the amount of the annual revenue that they have respectively agreed to pay, with the monthly proportions in which it is to be discharged, and also the rules defining the process by which they are to compel the payment of arrears, can never suffer from unjust prosecutions, so long as they are careful not to infringe those rules and engagements, as the courts of justice, at the same time that they will restrain them from abusing their power, will always support them in the due exercise of it, for enforcing payment of what they are authorized to demand on behalf of the state. On the other hand, the proprietors and farmers of land will be able to prevent the powers delegated to the Collectors of Revenue being exercised to their detriment, by performing punctually the engagements which they have voluntarily entered into with the public. Until they previously violate those engagements, the Collector will have no authority to issue any process affecting either their persons, rights, or property; and if he exceeds or abuses the powers vested in him, they will be able to obtain redress for the injury which they may sustain, by prosecuting him in the court of justice. The Governor General in Council has accordingly enacted as follows:

What is to be considered an arrear of revenue.

II. If the whole, or a portion of the kist or instalment payable in any month by a proprietor or farmer of land, shall remain undischarged on the first of the following month, the sum so remaining unpaid is to be considered an arrear of revenue.

Payment of arrears of revenue to be demanded in writing.

By whom the writing is to be attested, what it is to contain,

and by whom and how served upon the defaulter.

III. When a Collector shall have occasion to require payment of an arrear of revenue from any Zemindar, independent Talookdar, or other actual proprietor of land, or any farmer of land, he is to demand the discharge of it by a writing under his official seal, and attested by his signature and that of his Dewan, specifying the amount of the arrear and the date on which it became due, and requiring it to be paid at the treasury of the collectorship within a certain number of days after the day on which the writing may be served, in the manner herein specified. In fixing the day for the payment of the arrear, the Collector is to advert to the distance of his place of residence from the estate or farm of the defaulter, and allow a reasonable time for him to convey the money to the public treasury. The Collector is to deliver the writing to a single Peon, with directions to proceed either to the principal cutcherry of the defaulter in the estate or farm on account of which the arrear may be due, or to the usual place of abode of the defaulter, if it be within the limits of his zillah, according as he may deem advisable. The defaulter, or his head officer in attendance in such cutcherry, is to grant, and the Peon is to take, a receipt for the writing, specifying the date on which he may present it. The defaulter, or his officer above-mentioned, is to pay to the Peon two annas per day for his subsistence (excepting in districts where custom has fixed the subsistence money of Peons at a lower rate, in which case such lower rate, and no more, shall be exacted), for the time allowed for delivering the writing and returning to the Collector. The name of the Peon who may be deputed, the amount of his subsistence money, and the number of days for which he is to receive it, are to be endorsed on the writing. If the Peon deputed to serve the demand for the arrears shall not meet with, or be able to gain admittance to, the defaulter, or his head officer, by the evening of the day following the day on which he may arrive at his usual place of abode, or at his cutcherry above specified, or if the defaulter or his head officer shall refuse or omit to give the receipt above required to the Peon immediately upon his presenting the writing, he is on the same evening to fix up the writing on the outer door or gate of such place or cutcherry, and return to the Collector, to whom he is to report the date on which he may have fixed it up. Written demands for arrears so presented to a defaulter or his head officer, or fixed up at his usual place of abode, or his cutcherry before-mentioned, shall be considered to have been duly served upon him.

Cases in which Collectors are authorized and required to cause defaulting proprietors and farmers of land to be confined.

IV. If any Zemindar, independent Talookdar, or other actual proprietor of land, or any farmer of land, shall omit to discharge the whole of an arrear of revenue which may be demanded of him in the manner prescribed in Section III., by the period limited in the writing, the Collector, unless the defaulter shall have fallen in arrear, so as not to have paid a third part of the instalment of any one month by the fifteenth of the ensuing month, is authorized either to cause him to be confined or not, as from circumstances may appear to him advisable. But if any proprietor or farmer of land shall not have discharged a third of the instalment of any one month by the fifteenth of the ensuing month, and after having been served with the written demand specified in Section III., for the whole arrear, shall omit to pay the amount of it within the time prescribed in the writing; or if any proprietor or farmer of land shall have fallen in arrears to the amount of two-thirds of the kist of any one month, and the Collector, previous to the fifteenth of the ensuing month, shall have demanded the discharge of the arrears in the mode prescribed in Section III., and fixed any day, subsequent to the fifteenth of the last-mentioned month, for the payment of it, and the defaulter shall omit to discharge the whole amount by the prescribed period, the Collector is positively enjoined to cause the defaulter to be imprisoned. The Collectors are prohibited taking any proprietor or farmer of land into custody, and causing him to be confined for an arrear of revenue, until the defaulter has been served with the written demand for the arrear, as directed in this section, and he shall have failed to pay the amount by the limited period, under pain of being prosecuted by the defaulter in the Dewanny Adawlut, or court of civil judicature of the zillah, for false imprisonment, and paying such damages as the court may award against him.

Collectors confining defaulters without observing the rule herein specified, liable to be prosecuted for false imprisonment.

Process to be observed by Collectors in confining defaulters.

V. When a Collector shall proceed under Section IV. to the confinement of a Zemindar, independent Talookdar, or other actual proprietor of land or farmer of land, for the recovery of arrears, he shall depute two Peons, but no greater number than two, with a writing under his official seal, and attested with his signature and that of his Dewan, specifying the amount of the arrear due from the defaulter and the date on which it became payable, and requiring him to deliver himself into the custody of the Peons, that they may convey him to the gaol of the Dewanny Adawlut of the zillah. The Peons are to carry the defaulter direct to the gaol. Immediately upon the arrival of the defaulter at the gaol, the Collector is to apply to the court, by motion in writing to be made in open court, if the court shall be sitting, through the pleader of Government, for the confinement of the defaulter. If the court shall not be sitting, the motion is to be presented to the Judge out of court. The motion is to specify the amount of the arrear due from the defaulter and the date on which it became payable. Upon receipt of the motion, the Judge is immediately to order the defaulter to be confined in the gaol of the Dewanny Adawlut, and detain him there until he shall have discharged the arrear for which he may have been taken into custody, and all subsequent arrears that may become due during his confinement, or until the Collector shall apply to the court, by motion made as above directed, to have him released. Peons deputed to take defaulting proprietors or farmers of land into custody under this section, are to receive from the defaulter two annas per day each for their subsistence (excepting in districts where custom has fixed the subsistence money of Peons at a lower rate, in which case such lower rate, and no more, shall be exacted), for the time allowed for taking him into custody and conveying him to gaol. The names of the Peons who may be deputed, the amount of the subsistence money, and the number of days for which they are to receive it, are to be endorsed on the writing. If the defaulter shall not reside or be within the limits of the zillah wherein the lands on account of which the arrear shall be due may be situated, the Collector is to order the two Peons whom he may charge with the writing to proceed direct to the Collector of the zillah in which the defaulter may be or reside, and such Collector shall immediately send with them a Peon to point out the place of residence of the defaulter. The two Peons shall take the defaulter into custody, and convey him to the gaol of the Dewanny Adawlut of the zillah in which they may so apprehend him. The Collector who may issue the writing shall forward to the Vakeel of Government in such zillah the prescribed motion for the confinement of the defaulter, so that he may have it ready to present to the Judge immediately upon the arrival of the defaulter at the gaol. The Collector is to be careful, likewise, to specify in the writing for taking the defaulter into custody, the name of the zillah to the gaol of which he is to be conducted. With the above exceptions as to the mode of serving the process and the gaol in which the defaulter is directed to be confined, all the other rules contained in this Regulation regarding his case are to be considered equally applicable to it, as if he had been imprisoned in the gaol of the zillah wherein the lands on account of which the arrear shall be due may be situated. All suits or complaints which the defaulter may have to prefer against the Collector or his officers, or the Aumeen who may be deputed to take charge of his lands, are accordingly to be lodged in the Dewanny Adawlut of the last-mentioned zillah, and the Judge of the zillah, in the gaol of which the defaulter may be confined, is to give effect to all decrees or orders which may be transmitted to him by the Judge of the zillah in which the suits or complaints of the defaulter may be so preferred.

Defaulter to be conveyed to the Dewanny Adawlut gaol.

Motion, in writing, to be made to the court for his confinement.

What the motion is to contain.

Judge to confine the defaulter.

Subsistence money to be paid to the Peons.

VI. When

Precautions to be taken for the security of the revenue upon the confinement of a proprietor or farmes of land.

VI. When a Collector shall proceed to confine a Zemindar, independent Talookdar, or other actual proprietor of land or farmer of land, under Section IV., he is to depute an Aumeen, with a proper establishment of officers, to collect the rents and revenues from the estate or farm of the defaulter. The Collector is to transmit the establishment to the Board of Revenue, who are to submit it to the Governor General in Council, with a recommendation that it be confirmed or altered, as may appear to them advisable. The expense of the establishment of the Aumeen, when approved, and all other charges attending his deputation which may be admitted, shall be defrayed by the defaulter, and disbursed from the collections made from his estate or farm. The Dewan, or head native officer of the defaulter, or any other person whom he may think proper to appoint, is to keep a counterpart of the accounts of the receipts and disbursements of the Aumeen. The Aumeen is to collect according to the engagements that may subsist between the defaulter and his dependent Talookdars, under-farmers, and Ryots, and shall not make any alterations whatever in such engagements, or exact more than the amount specified in them, whether they be conformable to Regulation XLIV. 1793, or not. The Aumeen shall be liable to a prosecution in the court of Dewanny Adawlut of the zillah, for any alteration or infringement of such engagements in opposition to this Section. In cases in which no engagements may exist between the defaulter and his dependent Talookdars or Ryots, the Aumeen is to collect from them according to the established rates and usages of the purgunnah. The Aumeen shall likewise be subject to a prosecution by the proprietor of the estate or the farmer, for embezzlement or injuries done to the estate or farm, during the time that the collection of the rents and revenues of it may be entrusted to him. If the estate or farm of the defaulter shall be too inconsiderable to admit of its being charged with the expense of the appointment of an Aumeen, it shall be committed to the nearest Tehseeldar, or other officer, employed under the Collector in the business of the collections, who shall perform the duties above prescribed to the Aumeen, and under the same restrictions and penalties.

Counterpart of the accounts of the Aumeen to be kept by a person on the part of the defaulter.

The Aumeen to collect according to the engagements of the defaulter with his dependent Talookdars or Ryots, under pain of being prosecuted for the infringement of them.

How the Aumeen is to collect where no such engagements subsist.

Aumeen liable to be prosecuted for embezzlement, or injuries done to the estate or farm.

Small estates to be committed to the charge of the nearest Tehseeldar, or other native revenue officer.

Cases in which defaulters are to be charged with interest on arrears.

VII. To prevent proprietors or farmers of land withholding the payment of the public revenue, to derive the benefit of the use of the money, or otherwise applying it to their private purposes, the Board of Revenue are empowered, in every case in which it shall appear to them that a Zemindar, independent Talookdar, or other actual proprietor of land or farmer of land has wantonly, or without sufficient cause established to their satisfaction, withheld the payment of the public dues, to charge the defaulter with interest on the arrear, at the rate of twelve per cent. per annum, from the period at which it may become payable until the date on which it may be discharged. The order of the Board of Revenue to the Collector to levy the interest, shall be a sufficient authority to him to enforce the payment of it, by the process to which he is empowered to have recourse for compelling the discharge of arrears of the stipulated public revenue. But the Board of Revenue are not to order the Collector to exact the interest until they have submitted the circumstances of the case to the Governor General in Council, and received his sanction for the demand of it.

Cases in which the Collector is directed to

VIII. If the crops in any estate or farm shall have been damaged or suspend the exercise of the powers vested in him by Section IV.

destroyed by drought, inundation, or other calamity of season, or from any cause not originating in the neglect, mismanagement, or misconduct of the proprietor or farmer, and such proprietor or farmer shall fall in arrears, so as to subject himself to be confined under Section IV., and the Collector shall be satisfied, from the best information which he may be able to obtain, that the defaulter is unable to make good the arrears by the period limited in the written demand for the payment of them, required to be issued under Section III., either from the collections on account of such year from his estate or farm, or from his private funds or property, or by a loan, he is directed to suspend the exercise of the powers vested in him in the first-mentioned section for the confinement of the defaulter. But the Collector is immediately to report the circumstances of the case to the Board of Revenue, with his reasons for not proceeding against the defaulter as required in that section.

Collectors not to confine proprietors of land who deny the whole of the arrear demanded, and give security to bring the demand before the Dewanny Adawlut and to pay the amount that may be decreed against them with costs.

IX. If a Collector shall demand a sum of money on account of arrears of public revenue from a Zemindar, independent Talookdar, or other actual proprietor of land, under Section III., and the proprietor shall deny, by a writing addressed to the Collector, that any part of the arrears claimed is due from him, and within the time limited in the written demand for the payment of the arrears shall tender good security to the Collector, to institute a suit against him in the court of Dewanny Adawlut of the zillah, within ten days commencing from the date of the deed of security, or if the court shall be shut and shall not be opened until after the expiration of such ten days, within three days calculating from the day on which it may be opened, to try the justness of the demand, and to pay the amount of the arrear that may be finally adjudged to be due from him, with interest at the rate of twelve per cent. per annum from the date on which the arrear became due to the date of the decree, with all costs of suit, the Collector is not to issue any further process against him on account of the demand.

Collectors to confine such proprietors, if they omit to institute the suit within the time limited.

If such proprietor, however, shall omit to institute the suit within the time stipulated or to pay the arrear, the Collector is to demand in writing from the surety the immediate discharge of the arrear, with interest at the rate of twelve per cent. per annum, from the date on which it became due to the day of payment; and in the event of it not being forthwith discharged by the surety or the defaulter, he is to proceed against both of them, in the manner in which he is enjoined in Sections IV. and V., to proceed against defaulting proprietors of land, who shall not have discharged a third part of the instalment of any one month, by the fifteenth of the following month; and the surety shall be kept in confinement until the arrear, with the interest upon it at the above-mentioned rate, from the date on which it may become due to the day on which it may be paid, shall be discharged by him or the defaulter, or be made good by the sale of their property.

The rules in the preceding sections applied to cases in which proprietors of land shall admit, and pay part of a demand, but object to the remainder.

X. If a Collector shall demand from any actual proprietor of land a sum of money on account of arrears of public revenue, in the mode prescribed in Section III., and the proprietor shall acknowledge a part of the demand to be due, but deny, by a writing addressed to the Collector, the justness of the remainder, and pay the part which he may admit to be due within the time limited in the written demand for the discharge of the whole arrear claimed, and give the security required in Section IX., from proprietors of land denying the justness of any part of an arrear demanded of them, the Collector is not to issue any further process against him on account of the part of the arrear so denied. If such proprietor, however, shall not pay the part of the demand admitted by him within the time prescribed, or if he shall duly pay such part, but omit to institute the suit within the stipulated period, or to discharge the whole of the demand, the Collector is to require in writing from the surety the immediate payment of the arrear, with interest at the rate of twelve per cent. per annum from the date on which it became due to the day of payment; and in the event of the amount not being forthwith discharged by the surety or the defaulter, he is to proceed against both of them, in the manner in which he is enjoined in Sections IV. and V. to proceed against defaulting proprietors, who shall not have discharged a third part of the instalment of any one month by the fifteenth of the following month; and the surety shall be kept in confinement until the arrear, with the interest upon it, from the date on which it became due to the day on which it may be paid, shall be discharged by him or the defaulter, or be made good by the sale of their property.

Collector liable to prosecution if he shall confine a proprietor of land, in opposition to Sections IX. and X.

XI. If a Collector shall take a proprietor of land into custody or convey him to gaol, for arrears of public revenue, under Section IV, and it shall be proved, to the satisfaction of the Judge of the Dewanny Adawlut of the zillah, that the proprietor denied the justness of the whole or a part of the demand, and offered the security required in such cases in Sections IX. and X., and, if he admitted a part of the demand paid, or actually tendered such part, within the limited time, and that the Collector omitted or refused to accept the security or payment, the Judge, after taking the required security, and in case of a part of the demand being admitted, receiving payment of such part in deposit, is to release such proprietor, who shall be at liberty to prosecute the Collector in the Dewanny Adawlut of the zillah for false imprisonment. The courts are to pay the sums which they may receive in deposit under this section to the Collector of the Revenue of the zillah wherein the lands of the proprietor, on account of which the arrear may have been demanded, may be situated.

Judge to discharge the persons so confined, upon their executing the engagements and performing the other acts therein required.

Persons confined by the Collector for arrears, at liberty to institute a suit against him to try the justness of the demand.

XII. Every proprietor or farmer of land, who may be in confinement for arrears of revenue that may not have been adjudged to be due from him by a judicial decree, and who may deem the demand not warranted by his engagements with Government, is permitted to prosecute the Collector by whom he may have been imprisoned, in the Dewanny Adawlut of the zillah wherein the lands on account of which the arrears shall be claimed may be situated, to try the justness of the demand. If no part of the arrear claimed shall be found to be due from him, the Judge shall release him, and decree such costs and damages against the Collector as he may deem equitable, upon a consideration of the circumstances of the case. If only a part of the demand shall appear due, the court is to discharge the prisoner upon his paying such part. In both cases, however, the court, previous to releasing such person, shall take good security from him to perform the final decision in appeal, in the event of the cause being appealed by the Collector in consequence of orders from the Board of Revenue, or without their orders. If the Collector shall represent to the court that an appeal will not be preferred from the decision, or if an appeal shall not be lodged within the time limited for preferring appeals to the provincial courts of appeal, the Judge shall release the person so confined without taking such security. But no Collector shall be liable to the payment of any damages, for causing proprietors of land or their sureties to be confined under Sections IX., X., or XI., in consequence of their not instituting the suit conformably to their engagement, or performing the other conditions to which they may have agreed, as therein specified, although it should be determined upon trial, that no part of the arrear which was to constitute the subject of the suit was due.

Lands of proprietors in arrear at the end of the year to be sold to make good the amount.

XIII. At the expiration of the year, if an arrear shall remain due from any Zemindar, independent Talookdar, or other actual proprietor of land, who may not be in confinement, the Collector is to communicate the amount to the Board of Revenue, who are to report it to the Governor General in Council, and recommend the sale of such a portion of the estate of the defaulter as may be sufficient for the liquidation of the amount. If, however, an arrear of revenue shall be stated to be outstanding against any actual proprietor of land, and he shall have given the security required, and instituted a suit under Section IX., X., or XI., to try the justness of the arrear demanded of him, his lands shall not be liable to sale for the arrears so claimed, until a final decision shall be passed in the cause. Lands are not to be sold for the discharge of arrears of revenue, in any case whatever, without the sanction of the Governor General in Council.

Lands of proprietors not to be sold for demands of revenue which may be under trial in the courts of justice, until the cause is finally decided.

Lands not to be sold for arrears without the sanction of the Governor General in Council.

Proprietors or farmers of land denying the whole or part of a demand, but paying the whole to prevent any steps being taken against them by the Collector, to be at liberty to prosecute him for the excess exacted.

XIV. If a Collector shall demand a sum of money on account of arrears of revenue from a Zemindar, independent Talookdar, or other actual proprietor of land, or any farmer of land, and such proprietor or farmer of land shall deny the justness of the whole or a part of the demand, in a writing to that effect addressed to the Collector, but to prevent any further process whatever being issued against him by the Collector on account of the demand shall discharge the whole of it, such proprietor or farmer of land shall be at liberty to prosecute the Collector in the Dewanny Adawlut of the zillah for the recovery of the sum which he may consider to have been unjustly exacted from him; and if it shall appear to the Judge that neither the whole nor any part of the demand was due, he shall decree the whole of the sum so paid, or such part of it as may not be proved to have been due, to be refunded from the treasury of the zillah.

Collector how to proceed, when a proprietor of land refuses to obey or resists the process issued by him under Section V., or escapes from the Peons, or prevents the process being served upon him.

XV. If a Collector shall issue the process prescribed in Section V. against any Zemindar, independent Talookdar, or other actual proprietor of land, to convey him to gaol on account of arrears of the public revenue, and the defaulter shall refuse to obey, or resist, or cause to be resisted, the Peons deputed by the Collector to convey him to gaol, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that the process cannot be served upon him, the Collector who may issue the writing is immediately to represent the circumstances, through the Vakeel of Government, to the Dewanny Adawlut of the zillah wherein the lands on account of which the arrears shall be due may be situated; and upon the Peons deputed to execute the process, or any two or more credible persons, making oath to the truth of the circumstances stated in the representation of the Collector, the Judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, shall require the defaulter, by a publication in writing, to deliver himself into the custody of the court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian and Bengal languages, if the estate of the defaulter shall be in Bengal or Orissa; or in the Persian language, and the Hindoostanee language and Nageree character, if it should be situated in Behar; and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, or the principal cutchery in the estate on account of which the arrears may be due, in the office of Collector and the court-room of the Dewanny Adawlut of the zillah. The Collector is to continue the Aumeen directed to be deputed by Section VI. to collect the rents and revenues of the estate of the defaulter, in the same manner as if the process issued under Section V. had been duly served and obeyed by him.

Judge, upon the charge appearing to him well founded, to issue a publication, requiring the defaulter to deliver himself up to the court in four weeks.

In what language the publication is to be written, and where and when it is to be fixed up.

Aumeen to be continued in the same manner as if the process had been duly served.

XVI. If the defaulter shall not surrender himself before the expiration of the period limited in the publication directed to be made in Section XV, or if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence and that which the Collector may adduce in support of his representation, if it shall be proved to the satisfaction of the court that the defaulter is guilty of the charge, the court is to decree the proprietary right of the defaulter and his heirs in the estate on account of which the arrears may be due forfeited to Government. If the defaulter shall not appeal from the decree to the provincial court of appeal within the time limited for preferring appeals to that court in Section XII, Regulation V. 1793, the court is immediately to transmit to the Governor General in Council a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the provincial court of appeal within the prescribed period, and the court should confirm the decision of the zillah court and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it be appealable, and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that court in Section X, Regulation VI. 1793, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the proceedings and decree of the zillah court, to the Governor General in Council. If an appeal shall be received from the decision of the provincial court of appeal, and the Sudder Dewanny Adawlut should confirm the decree of the provincial court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council. If the Judge of the zillah court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process prescribed in Section V. had been duly served upon him and he had obeyed it; and the Collector is immediately to obtain from the court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the Collector to appeal from it, or not, as may appear to them proper. If the Board shall order an appeal to be preferred, and it shall be lodged within the limited time, and the provincial court should reverse the decision of the zillah court and adjudge

Decree to be passed by the zillah court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time, and the charge being proved against him.

Court to transmit the decree and proceedings to the Governor General in Council, if the defaulter should not appeal within the prescribed time.

If the defaulter should appeal and the decision of the zillah court be confirmed, the provincial court to transmit a copy of the decree and proceedings to the Governor General in Council, in the event of the defaulter not appealing to the Sudder Dewanny Adawlut or the cause not being appealable.

Sudder Dewanny Adawlut how to proceed, in case the suit should be appealed to them, and they should confirm the decision of the provincial court.

Collector how to proceed, if the zillah court should adjudge the charge not proved.

Rule for cases in which the provincial courts of appeal may reverse such decisions of the zillah courts.

Collector how to proceed, if the charge should be adjudged proved in the zillah court, and the provincial court of appeal shall reverse the decision.

Rule for determining from what decrees of the provincial courts of appeal passed under this section an appeal is to lie to the Sudder Dewanny Adawlut.

adjudge the proprietary right in the estate forfeited, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable and an appeal should not be preferred within the limited time, the provincial court is immediately to forward a copy of their proceedings and decree in the appeal, and of the decree and proceedings of the zillah court, to the Governor General in Council. If the Judge of the zillah court shall decree the charge proved and the decision shall be reversed in the provincial court, the Collector is immediately to transmit a copy of the decrees and proceedings of the zillah court and provincial court of appeal, with a letter stating his objections to the decree of the latter court to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable), or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and the court should reverse the decision of the provincial court and declare the proprietary right in the estate forfeited, the court is immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council. That no doubt may be entertained from what decrees passed by the provincial courts of appeal under this section an appeal is to be allowed to the Sudder Dewanny Adawlut, it is declared that an appeal shall not lie to the last-mentioned court, unless the annual produce of the estate of the defaulter on account of which the arrears may have been demanded, calculating according to the amount paid or payable by the dependent Talookdars, under-farmers, and Ryots, to the defaulter, on account of the year in which the decision of the zillah court may be passed, shall exceed one thousand sicca rupees; and the Collectors are enjoined to insert generally in the representation which they are directed to make to the Dewanny Adawlut of the zillah in Section XV., whether the produce of the estate on account of the year above-mentioned, according to the best of information they may have been able to obtain, exceeds or falls short of one thousand sicca rupees, but without specifying the actual amount of the produce. If the defaulter shall not deliver himself up within the prescribed time, or if he shall surrender himself by the limited period and the Collector shall have stated the produce of the estate to be under one thousand sicca rupees, and the defaulter shall not deny the truth of the Collector's statement in his answer to the charge, and the cause should be afterwards brought before the provincial court of appeal, an appeal shall not lie from the decision of that court to the Sudder Dewanny Adawlut. If the Collector shall represent that the produce of the estate for the year before-mentioned exceeds or falls short of one thousand sicca rupees, and the defaulter should appear within the limited time, and in his answer to the charge object to the statement, the Judge is to try the objections, and pass such decision upon them as may appear to him equitable. If the cause should be afterwards brought before the provincial court of appeal, and no objection be offered by either party to the decision of the zillah court, on the Collector's statement of the produce of the estate, it is to be held accurate. If objections should be offered, the provincial court is to try the objections, and pass such decision upon them as may appear to it equitable. If an appeal from the decree of the provincial court should be presented to the Sudder Dewanny Adawlut, and the admission or rejection of the appeal should depend upon the produce of the estate for the year before-mentioned, exceeding or falling short of one thousand sicca rupees, the court of Sudder Dewanny Adawlut is to examine the decisions passed by the Dewanny Adawlut of the zillah and the provincial court of appeal respecting the produce of the estate, and either adjudge the cause to be appealable or not, as may appear to them equitable. Decrees that may be passed under this section by the Dewanny Adawlut of any zillah, or any provincial court of appeal or the Sudder Dewanny Adawlut, adjudging the proprietary right in the estate of a defaulter to be forfeited to Government, shall not be carried into execution in any case whatever, without an order from the Governor General in Council confirming the decree, and directing in what manner the proprietary right in the estate shall be disposed of. It shall be at the option of the Governor General in Council, within four weeks after the receipt of a decree adjudging the proprietary right of any defaulter in an estate forfeited, either to order the decree to be executed, or to commute the forfeiture for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed. In the event of the Governor General in Council commuting the forfeiture for a fine, the court which shall have transmitted the decree and proceedings to the Governor General in Council, upon receiving notice of the fine that he may impose, are to levy the amount of it by the same process by which they are directed to enforce decrees of the court, and to pay the amount to the Collector of the zillah. But if the Governor General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed or commute the forfeiture for a fine, the decree is to stand good against the defaulter. The process which a Collector may institute against a defaulter in the court of Dewanny Adawlut of the zillah under this section, as well as the prosecution or defence of any appeal from the decision of such court which may be preferred to the provincial court of appeal, or from the decree of the provincial court, to the Sudder Dewanny Adawlut in which the Collector may be appellant or respondent, is to be carried on at the public expense, and to be conducted by the Vakeel of Government, whom the Collector is to furnish with the necessary instructions.

Decrees passed under this section not to be carried into execution without the sanction of the Governor General in Council.

If the estate is decreed *forfeited*, the Governor General in Council may confirm the decree, or commute the *forfeiture* for a fine, within four weeks after he may receive the decree.

If the forfeiture is commuted for a fine, by what court and how it is to be levied.

Decree of forfeiture to be final, if not ordered to be executed or commuted *for* a fine, within the time abovementioned.

Process and appeals instituted under this section to be conducted by the Vakeel of Government on the part of the Collector, and to be carried on at the public expense.

XVII. If the defaulter mentioned in Section XVI. shall be allowed to retain the proprietary right in his estate, Government is to account to him for the amount received through the Aumeen; and if it shall exceed the public revenue that was due from the estate, the expenses attending the deputation of the Aumeens and the fine which may be imposed upon the defaulter, the overplus is to be returned to him. If the sum received through the Aumeen shall be inadequate to the payment of the several demands abovementioned, and the defaulter shall not make good the deficiency, a portion of his lands is to be sold for the discharge of it.

Proceeds of the estate of the defaulter, whilst attached, to be accounted for to him, if the forfeiture should be commuted for a fine.

Portion of the defaulter's estate to be sold, if the proceeds should not be adequate to answer all demands against him, and he should not discharge them.

XVIII. If the decree adjudging the proprietary right in the estate of the defaulter forfeited shall be confirmed under Section XVI, it shall be at the option of the Governor General in Council, either to confer such right upon the heirs of the defaulter, on their agreeing to make good all sums whatever that may be due to Government from the defaulter on account of the estate, and to pay the fixed revenue assessed upon it, or to dispose of it at public

If the forfeiture should be confirmed, the Governor General in Council to confer the estate on the heirs of the defaulter, or dispose of it at public sale.

sale subject to the payment of such revenue. If the estate shall be conferred upon the heirs of the defaulter, he is to be immediately released if he should be in confinement. If the estate shall be disposed of at public sale, the proceeds of the sale are to be appropriated towards the discharge of the demands of Government, either on account of the public revenue, the expense attending the deputation of the Aumeen, or other charges incurred in consequence of the default of the former proprietor. If no such demand shall be outstanding at the time of the sale, or if any such demand should be due and the proceeds shall exceed the amount of it, the whole of the proceeds in the first-mentioned case, and the overplus in the second, is to be carried to the public account, or applied in any other manner that the Governor General in Council may direct.

Collector how to proceed when a farmer refuses to obey or resists the process issued by him under Section V., or escapes from the Peons, or prevents the process being served upon him.

Judge, upon the charge appearing to him well founded,

to issue a publication, requiring the defaulter to deliver himself up to the court in four weeks.

In what language the publication is to be written, and where and when it is to be fixed up.

Aumeen directed to be deputed in Section VI. to be continued.

Decree to be passed by the zillah court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time, and the charge being proved against him.

Court to transmit the decree and proceedings to the Govern-

XIX. If a Collector shall issue the process prescribed in Section V. against any farmer of land, to convey him to gaol on account of arrears of public revenue, and the defaulter shall refuse to obey, or resist, or cause to be resisted, the Peons deputed by the Collector to convey him to gaol, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that the process cannot be served upon him, the Collector who may issue the writing shall, immediately represent the circumstances, through the Vakeel of Government, to the Dewanny Adawlut of the zillah, wherein the lands on account of which the arrears shall be due may be situated; and upon the Peons deputed to execute the process, or any two or more credible persons, making oath to the truth of the circumstances stated in the representation of the Collector, the Judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, is to require the defaulter, by a publication in writing, to deliver himself into the custody of the court, within four weeks calculating from the day following the date of the publication. The publication is to be written in the Persian and Bengal languages, if the farm of the defaulter shall be in Bengal or Orissa, or in the Persian language, and the Hindostanee language and Nageree character, if it be situated in Behar, and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, if it be within the limits of the zillah, or the principal cutcherry in the farm, and in the office of the Collector and the court-room of the Dewanny Adawlut. The Collector is to continue the Aumeen directed to be deputed in Section VI. to collect the rents and revenues of the farm of the defaulter, in the same manner as if the process issued under Section V. had been duly served and obeyed by him. If the defaulter shall not surrender himself before the expiration of the period limited in the publication, or if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and the evidence that he may have to produce in his defence, and that which the Collector may adduce in support of his representation, if it shall be proved, to the satisfaction of the court, that the defaulter is guilty of the charge, the court shall decree the lease of the farmer annulled from the expiration of the Bengal, Fussily, or Willaity year (according as the farm may be situated in Bengal, Behar, or Orissa), in which the decree may be passed. If the defaulter shall not appeal to the provincial court of appeal within the time limited for preferring appeals to that court, in Section XII.

Regulation V. 1793, the court is immediately to transmit to the Governor General in Council a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the provincial court of appeal within the prescribed time, and that court shall confirm the decision of the zillah court, or if the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that court, in Section X. Regulation VI. 1793, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the zillah court, to the Governor General in Council. If an appeal shall be received from the decision of the provincial court of appeal, and the Sudder Dewanny Adawlut shall confirm the decree of the provincial court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council. If the Judge of the zillah court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process in Section V. had been duly served upon him and he had obeyed it, and the Collector is immediately to obtain from the court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue; who are to order the Collector to appeal from it, or not, as may appear to them proper. If the Board shall order an appeal to be preferred, and it shall be lodged within the limited time, and the provincial court should reverse the decision of the zillah court and adjudge the lease annulled, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable and an appeal shall not be preferred within the limited time, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the zillah court, to the Governor General in Council. If the Judge of the zillah court shall decree the charge proved, and the decision shall be reversed in the provincial court, the Collector is immediately to transmit a copy of the decrees and proceedings of the zillah court and the provincial court of appeal, with a letter stating his objections to the decree of the latter court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable) or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and that court should reverse the decision of the provincial court and adjudge the lease annulled, the court are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council. That no doubt may be entertained from what decrees passed by the provincial courts of appeal under this section an appeal shall be admitted to the Sudder Dewanny Adawlut; it is declared that an appeal shall not lie to the last-mentioned court, unless the jumma paid or payable to Government by the defaulter, on account of the year in which the decree of the zillah court may be passed, shall exceed one thousand sicca rupees; and the Collector is enjoined to state generally, in the representation which he is above directed to make to the zillah court, whether the jumma paid or payable by the defaulter in such year exceeds or is less than one thousand sicca rupees, but without specifying the exact amount of it; and

nor General in Council, if the defaulter should not appeal within the prescribed time.

If the defaulter should appeal, and the decision of the zillah court be confirmed, the provincial court to transmit a copy of the decree and proceedings to the Governor General in Council, in the event of the defaulter not appealing in time to the Sudder Dewanny Adawlut, or the cause not being appealable.

Sudder Dewanny Adawlut how to proceed, in case the suit should be appealed to them, and they should confirm the decision of the provincial court.

Collector how to proceed if the zillah court should adjudge the charge not proved.

Rules for cases in which the provincial courts of appeal may reverse such decisions of the zillah courts.

Rules for cases in which the charge may be adjudged proved in the zillah court, and the provincial court of appeal shall reverse the decision.

Rule for determining from what decrees of the provincial courts of appeal passed under this section an appeal is to lie to the Sudder Dewanny Adawlut.

the rules prescribed in Section XVI. regarding objections that may be offered to the statement of the produce of the estates of contumacious proprietors, which the Collectors are therein directed to present to the zillah court, are to be held applicable to the statement of the jumma payable by defaulting farmers, required to be submitted by the Collectors in this section. Decrees that may be passed under this section by the Dewanny Adawlut of any zillah or any provincial court of appeal, or the Sudder Dewanny Adawlut, adjudging the lease of a farmer annulled, shall not be carried into execution, in any case whatever, without an order from the Governor General in Council confirming the decree. It shall be at the option of the Governor General in Council, within four weeks after the decree may be received by him, either to order the decree to be executed, or to commute the forfeiture of the lease for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed; or if the defaulter shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements until the term of them shall expire. If a fine shall be imposed on the defaulter, the court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving notice of the fine, is to levy the amount of it by the same process by which they are directed to enforce decrees of the court, and to pay the amount to the Collector of the zillah. But if the Governor General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed or commute the annulling of the lease for a fine, the decree shall stand good against the defaulter. The process which a Collector may institute in the Dewanny Adawlut of the zillah under this section, as well as any appeal that may be preferred from the decision of the zillah court to the provincial court of appeal, and from the decision of that court to the Sudder Dewanny Adawlut in which the Collector may be appellant or respondent, are to be defended or carried on at the public expense and by the Vakeel of Government, whom the Collector is to furnish with the necessary instructions.

Decrees passed under this section not to be carried into execution without the sanction of the Governor General in Council.

If the lease shall be judged annulled, the Governor General in Council may confirm the decree, or commute the annulling of the lease for a fine, within four weeks after he may receive the decree.

If the decree shall be commuted for a fine, how it is to be levied.

Process and appeals under this section to be conducted by the Vakeel of Government on the part of the Collector and at the public expense.

Accounts with the defaulter how to be settled if the lease should be annulled.

XX. If the lease of the defaulter mentioned in Section XIX. shall be annulled, he shall receive credit for the collections of the Aumeen, after deducting the charges incurred by his deputation which may be admitted; and if any balance shall then remain due from him to Government at the close of the year in which the lease may be cancelled, both he and his surety are to be held responsible for the payment of it, and the Collector is to serve the surety with the written demand prescribed in Section III. for the amount, and in event of it not being discharged by the time limited in the writing, the Collector is to proceed against the surety, and the defaulter also, if he shall be forthcoming and should not have been previously confined, in the manner in which he is directed to proceed in Sections IV. and V. against defaulters who have not discharged a third part of the instalment of any one month by the fifteenth of the ensuing month. If there shall be a surplus after discharging all the demands above-mentioned, it is to be paid to the defaulter. The defaulter shall be at liberty to prosecute in the zillah court the dependent Talookdars, under-farmers, and Ryots in the lands included in the farm, for

Balance, if any due, to be levied from him and his surety.

Surplus, if any, to be paid to the defaulter.

Defaulter to be at liberty to prosecute dependent Talookdars, under-farmers and Ryots, for arrears, in the any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Dewanny Adawlut of the zillah.

Collector how to proceed when sureties of proprietors or farmers of land refuse to obey or resist the process issued by him under Section V., or escape from the Peons, or prevent the process being served upon them.

Judge, upon the charge appearing to him well founded,

to issue a publication, requiring the defaulter to deliver himself up to the court within four weeks.

In what language the publication is to be written, and where and when it is to be fixed up.

XXI. If a Collector shall issue the process prescribed in Section V. against the surety of any proprietor or farmer of land to convey him to gaol, and such defaulting surety shall refuse to obey, or resist, or cause to be resisted, the Peons deputed by the Collector to convey him to gaol, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house or in any building, or retire to any place, so that the process cannot be served upon him, the Collector who may issue the process is immediately to represent the circumstances, through the Vakeel of Government, to the Dewanny Adawlut of the zillah wherein the lands on account of which the arrears shall be due may be situated; and upon the Peons deputed to execute the process, or any two or more credible persons, making oath to the truth of the circumstances stated in the representation of the Collector, the Judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, is to require the defaulter, by a publication in writing, to deliver himself into the custody of the court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian and Bengal languages, if the estate or farm on account of which the money may be due from the defaulter shall be in Bengal or Orissa, or in the Persian language, and the Hindostanee language and Nageree character, if it be situated in Behar, and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, if it be within the limits of the zillah, and in the principal cutcherry in the estate or farm, the office of the Collector, and the court-room of the Dewanny Adawlut. If the defaulter shall not surrender himself before the expiration of the period limited in the publication, or if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and the evidence that he may have to produce in his defence, and that which the Collector may adduce in support of his representation, if it shall be proved to the satisfaction of the court that the defaulter is guilty of the charge, the court shall adjudge him to pay a fine according to the nature of the offence and his situation and circumstances in life. If the defaulter shall not appeal to the provincial court of appeal within the time limited for preferring appeals to that court in Section XII., Regulation V. 1793, the court is immediately to transmit to the Governor General in Council a copy of the decree and of all the proceedings respecting the charge. If the defaulter shall appeal to the provincial court of appeal within the prescribed time, and that court should confirm the decision of the zillah court, or if the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that court in Section X., Regulation VI. 1793, the provincial court of appeal is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the zillah court, to the Governor General in Council. If an appeal shall be received from the decision of the provincial court of appeal, and the Sudder Dewanny Adawlut shall confirm the decree of the provincial court, they are immediately to transmit a copy of their decree and

Decree to be passed by the zillah court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time and the charge being proved against him.

Court to transmit the decree and proceedings to the Governor General in Council if the defaulter should not appeal within the prescribed time.

If the defaulter should appeal and the decision of the zillah court be confirmed, the provincial court to transmit a copy of the decree and proceedings to the Governor General in Council, in the event of the defaulter not appealing to the Sudder Dewanny Adawlut or the cause not being appealable.

Sudder Dewanny Adawlut how to proceed, in case the suit should be appealed to them, and they should confirm the decision of the provincial court.

and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council.

Collector how to proceed, if the zillah court should adjudge the charge not proved.

If the Judge of the zillah court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process prescribed in Section V. had been duly served upon him and he had obeyed it; and the Collector is immediately to obtain from the court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the Collector to appeal from it, or not, as may appear to them proper.

Rules for cases in which the provincial court of appeal may reverse such decisions of the zillah courts.

If that Board should order an appeal to be preferred, and it shall be lodged within the limited time, and the provincial court of appeal should reverse the decision of the zillah court and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it should be appealable, and an appeal shall not be preferred within the limited time, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings in the zillah court, to the Governor General in Council.

Rules for cases in which the charge may be adjudged proved in the zillah court, and the provincial court of appeal shall reverse the decision.

If the Judge of the zillah court shall decree the charge proved, and the decision shall be reversed in the provincial court, the Collector is immediately to transmit a copy of the decrees and the proceedings of the zillah court and the provincial court of appeal, with a letter stating his objections to the decree of the latter court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable) or not, as they may think proper.

Sudder Adawlut how to proceed, in the event of its reversing such decision of the provincial court.

If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and that court should reverse the decision of the provincial court and adjudge the defaulter to pay a fine, the court is immediately to transmit a copy of its decree and proceedings, and of the decrees and proceedings received from the provincial court, to the Governor General in Council.

Rule for determining from what decrees of the provincial courts of appeal passed under this section an appeal is to lie to the Sudder Dewanny Adawlut.

And that no doubt may be entertained, from what decrees passed by the provincial courts of appeal, under this section, an appeal shall lie to the Sudder Dewanny Adawlut, it is declared, that an appeal shall not lie to the last-mentioned court, unless the fine adjudged to be paid by the defaulter shall exceed one thousand sicca rupees.

Decrees passed under this section, not to be carried into execution without the sanction of the Governor General in Council.

Decrees that may be passed under this section by the Dewanny Adawlut of any zillah or any provincial court of appeal, or by the Sudder Dewanny Adawlut, adjudging a fine to be paid by a surety, are not to be carried into execution, in any case whatever, without an order from the Governor General in Council confirming the decree.

Option reserved to the Governor General in Council of confirming or alleviating the fine, within four weeks after the decree may be received by him.

It shall be at the option of the Governor General in Council, within four weeks after the decree may be received by him, either to order the decree to be executed or to alleviate the fine.

If the fine shall be confirmed or alleviated, by what court and how it is to be levied.

The court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving notice of the fine that may be imposed upon the defaulter, is to levy the amount of it by the same process by which it is directed to enforce decrees of the court, and to pay the amount to the Collector of the zillah. But if the Governor General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed or alleviate the fine, the decree shall stand good against the defaulter; and the court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving directions for that purpose, is to levy the amount of the fine in the manner above prescribed. The process which the Collector may institute in the Dewanny Adawlut of the zillah under this section, as well as the appeals that may be preferred from the zillah court to the provincial court of appeal, and from the decision of that court to the Sudder Dewanny Adawlut, in which the Collector may be appellant or respondent, are to be defended or carried on by the Vakeel of Government and at the public expense.

Process and appeals instituted under this section, to be conducted by the Vakeel of Government on the part of the Collector, and to be carried on at the public expense.

XXII. If a proprietor of land shall be conveyed to gaol by the Collector under the powers vested in him by Sections IV. and V., and the Aumeen directed to be deputed in Section VI. shall not, by the close of the year, have realized from the estate a sum sufficient for the liquidation of the balance due to Government, and all the admitted charges incurred in consequence of his deputation, the Collector is to state the amount of the arrear to the Board of Revenue, who are to report it to the Governor General in Council, and recommend the sale of the lands of the defaulter, or such portion of them as may be sufficient to make good the amount which may be due from him to the public. But no part of this section or Section XIII. is to be construed to preclude the Governor General in Council from ordering the sale of the lands of a defaulting proprietor of land, who may not have instituted a suit to contest the arrears, whether he may be in confinement or not, to be made at any time previous to the close of the year in which the arrears may become due, should it in any case appear to him inexpedient to postpone the sale until after the expiration of it. And at whatever period the sale of the lands of a proprietor in confinement may be ordered to take place, if the arrear shall not have been adjudged to be due from him by a decree of a court of justice, and provided he shall previous to the day of sale deny the justness of the whole or a part of the arrear under his engagements, and give the security, and otherwise conform to the rules prescribed in Sections IX. and X. according to the circumstances of the case, the sale of his lands is not to be made until the cause shall be finally decided; and he shall be released, and be considered exactly in the same predicament as the proprietors mentioned in Sections IX. and X., who may deny the justness of the whole or a part of any demand, immediately upon the writing specified in Section III. being served upon them. If the sale of the lands shall have been ordered to be made at Calcutta, the proprietor is either to give the required security to the Board of Revenue previous to the day of sale, or to the Collector of the zillah eight days prior to the day fixed for the sale, so that there may be sufficient time for him to notify the acceptance of the security to the Board of Revenue. The Collector is not to accept of the security unless he shall be satisfied that it is good and sufficient. If he shall accept of the security, he is to forward notice of the acceptance of it to the Board of Revenue in duplicate, by two different posts, to provide against the non-arrival of the notice which may be first despatched. If the sale of the lands shall be ordered to be made by the Collector of the zillah, he is empowered to suspend it, upon such security being delivered to him previous to the sale; but he is immediately to report the circumstances to the Board of Revenue, for the information of the Governor General in Council.

At the close of the year, the Board of Revenue are to propose the sale of the lands of proprietors in confinement for arrears.

Governor General in Council not precluded from ordering the lands of a defaulting proprietor to be sold before the conclusion of the year, whether he be in confinement or not.

Sales of land of proprietors in confinement for arrears, which have not been adjudged to be due by a judicial decree whenever ordered to be made, to be suspended if the proprietor shall deny the arrear to be due, and give the security, and otherwise conform to the rules prescribed in Sections IX. and X.

Where and when such security is to be given, in the event of the sales being ordered to be made at Calcutta or in the zillah.

XXIII. If a farmer of land shall be confined in gaol by the Collector, under the powers vested in him by Sections IV. and V., and the Aumeen shall not,

Collectors how to proceed, if an arrear of revenue shall be due from a farmer of land at the close of the year, whether he be confined or not.

by the close of the year, have realized from the farm a sum sufficient for the liquidation of the balance due to Government, and all the admitted charges incurred in consequence of his deputation, or if any balance shall remain due at the close of the year from any farmer who may not be in confinement, the Collector is to demand the payment of it from the surety, and also from the defaulter; and in the event of it not being discharged by the period by which it may be required to be liquidated in the written demand that is to be served upon the surety, the Collector is to proceed against the defaulter (if he shall not have been previously confined for the demand) and his surety, in the manner in which he is directed in Sections IV. and V., to proceed against defaulters who may not have discharged a third-part of the instalment of any one month by the fifteenth of the ensuing month; and it shall be optional in the Governor General in Council, either to cancel the lease from the commencement of the year following the year for which the balances on account of which the defaulter and his surety may be confined, or to compel them to perform the conditions of the lease until the term of it shall expire. If the Governor General in Council shall annul the lease, the defaulter is to be at liberty to prosecute the dependent Talookdars, under-farmers, or Ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Collector to attach lands of sureties, whom he may proceed to confine, sufficient to answer the demand against them.

XXIV. When a Collector shall proceed to confine the surety of any proprietor or farmer of land, in the cases authorized in this Regulation, he is immediately to cause such portion of the defaulter's lands as he may estimate to be sufficient to make good the amount of the demand, in the event of their being sold, to be attached, under the rules prescribed in Section VI. for the attachment of the lands of defaulting proprietors. If the surety shall not possess any landed property in his zillah, the Collector is to depute an Aumeen into the zillah in which the defaulter may have landed property, with a letter stating the amount of the demand on him and the property to be attached. The Collector of such zillah is immediately to order a Peon to point out the property to the Aumeen, who is to keep it in attachment until the Board of Revenue shall have obtained the sanction of the Governor General in Council for the sale of it. The Aumeen is to apply the amount of the collections from the lands, after deducting the expenses of his establishment, towards the discharge of the public revenue, which he is to pay to the Collector of the zillah in which the lands may be situated. If any surplus shall remain after making good the public dues, it is to be appropriated towards the discharge of the demand on account of which the attachment of the lands may have been made. If the property of the surety that may be attached shall be too inconsiderable to admit of its being charged with the expense of an Aumeen, the Collector to whom the money due from the surety may be payable is to apply to the Collector of the zillah in which the lands may be situated, to order the nearest Tehseeldar or native officer employed under him in the business of the collections to take charge of the lands, and the Collector to whom the application shall be made is to comply with it, and the Tehseeldar or native officer to whose charge he may commit the lands is to perform the duties prescribed to the Aumeen in Section VI., and under the same restrictions and penalties. The

How the Collector is to proceed if the surety possesses no lands in his zillah.

The Collector of the zillah in which the lands may be situated is not to be liable to any prosecution on account of the attachment; but the Collector, in conformity to whose application the attachment may take place, is to be responsible for the consequences, in the same manner as if the lands had been situated in his own zillah. The Board of Revenue are to apply to the Governor General in Council for his sanction for the sale of the lands belonging to the surety, either during the course of the year in which they may be attached or after the close of it, as they may deem advisable.

Board of Revenue to apply for permission to sell the lands of the surety.

Collector to depute an Aumeen to sequester lands ordered to be sold.

Duties of the Aumeen.

XXV. When lands are ordered to be sold under this Regulation, the Collector (unless the lands shall have been previously committed to the charge of an Aumeen or Tehseeldar, or other native officer, in which case such officer is to perform the duties hereafter specified in this section) is immediately to depute an Aumeen, with instructions to hold the lands in attachment, collect the rents and revenues under the rules and restrictions prescribed regarding lands under attachment in Section VI., prevent waste being committed by the defaulter, and furnish any information that may be required for the adjustment of the jumma to be assessed on the lands directed to be sold. If the property ordered to be sold shall be too inconsiderable to admit of its being charged with the expense of an Aumeen, it is to be committed to the nearest Tehseeldar, or other officer, employed under the Collector in the business of the collections, who is to perform the duties prescribed to the Aumeen, and under the like restrictions and penalties.

Where sales of land that may be ordered to take place under this Regulation shall be made.

Publication of the notice of such sale where to be made, and what it is to contain.

XXVI. Sales of land that may be ordered to take place under this Regulation are to be made by the Collector of the zillah in his public office, or at Calcutta in the office of the Board of Revenue, under the superintendence of their Secretary, according as the Governor General in Council may direct. Previous to any such sale taking place, a publication is to be made in the Persian and Bengal languages, if the lands shall be situated in Bengal or Orissa, or in the Persian language, and in the Hindostanee language and Nageree character, if the lands shall be in Behar, specifying the jumma at which the lands, or each lot of them, if they are ordered to be sold in two or more lots, will be disposed of, and the place, date, and hour of the day fixed for the sale, and the proportion of the revenue payable on account of the year in which the sale of the lands may take place for which the purchaser is to be responsible, or if the exact proportion cannot be ascertained, the rules by which the amount of it is to be adjusted. The publication is to be fixed up in some conspicuous place in the court-room of the Dewanny Adawlut of the zillah, the office of the Collector, the principal town or village in the lands to be sold, and the office of the Secretary to the Board of Revenue. The publication is to be fixed up at the several places above-mentioned, for a term not less than one month before the sale takes place. All expenses attending the sale and the appointment of the Aumeen directed to be deputed by Section XXV. are to be deducted from the proceeds of the sale. The other conditions of sale contained in Sections XXVII. and XXVIII., as well as any other stipulations that may be made, are to be fixed up in a conspicuous part of the room in which the sale may be directed to take place, on the day of sale and during the three days preceding it.

Expenses of the sale from whence to be defrayed.

Remaining conditions of sale, where and for what period to be fixed up.

Penalty for purchasers not paying the

XXVII. A deposit of five per cent. on the amount of the purchase-money is purchase-money by the stipulated period.

How such penalty is to be levied.

is to be made at the time of the sale by every purchaser of land that may be disposed of under this Regulation. If the purchaser shall omit to discharge the purchase-money within the period which may be stipulated, he is to forfeit the deposit to Government and the lands are to be resold at his expense. If the lands shall be disposed of at a lower price than that offered by the first purchaser, he is to make good the deficiency. If a profit shall arise on the second sale, it is to be carried to the credit of the defaulter; or of Government, if the lands be sold on the public account, under Section XVIII. If the first purchaser shall refuse or omit to make the deposit, or to pay within the required time the amount of the deficiency and the expenses arising on the resale, after being served by the Collector of the zillah in which he may be or reside, or by the Board of Revenue if he shall be in Calcutta, with a written demand for the amount, similar to that directed in Section III. to be served on proprietors and farmers of land from whom arrears of revenue are due, such defaulting purchaser shall be considered exactly in the same predicament as sureties of proprietors or farmers of land, who omit or refuse to discharge any sum of money due from them, and he is to be proceeded against accordingly by the Collector of the zillah in which he may be or reside.

Purchasers of lands under this Regulation not to be responsible for arrears or suspensions on account of former years, unless otherwise stipulated in the conditions of sale.

By whom such arrears and suspensions are to be made good.

XXVIII. The purchasers of lands sold under this Regulation are not to be held responsible for any arrears or suspensions of revenue that may be due to Government from the lands prior to the year in which the purchase may be made, unless it shall be otherwise stipulated in the conditions of sale. Arrears or suspensions, not so stipulated to be made good by the purchaser, are to be paid by the former proprietor, and recourse is to be had to the remainder of his real or to any other property which he may possess, or to the confinement of his person, or to both his person and property, for the recovery of the amount. Arrears of rent or revenue that may be due to the defaulting proprietor from his dependent Talookdars, under-farmers, or Ryots, preceding the date on which the lands may be sold, are to belong to him, and are to be recoverable by him by suit in the Dewanny Adawlut of the zillah. The defaulting proprietor, however, shall be at liberty to transfer his right to such arrears to the new proprietor.

Judges empowered to require Collectors to show cause why a defaulter is continued in confinement under a judicial decree, and how to proceed in such cases.

XXIX. Any person confined for arrears of revenue, or other demands of Government, under this Regulation, either pursuant to a judicial decree or without such decree, is to be at liberty to apply to the Judge of the court of Dewanny Adawlut of the zillah, by the Collector of which he may have been confined, to require such Collector to show cause why he is continued in confinement. If the person making such application shall be confined under a decree passed by the Sudder Dewanny Adawlut, or of the zillah court or the provincial court of appeal, and the time prescribed for appealing from the decision shall have elapsed, the Judge is not to enter into the merits of the case, but only to inquire whether the prisoner has discharged the amount of the decree and the sums which may have become due from him subsequent to his confinement. If the prisoner shall not be confined under a judicial decree, but under the process which the Collectors are empowered by this Regulation to issue for conveying persons to gaol for claims of Government, and he shall dispute the justness of the demand, the Judge is not to inquire into the merits of the case, but is to leave the prisoner to prosecute the Collector under Section XII.,

Rule applied, where a person so confined, without a judicial decree.

XII., which is hereby extended to demands on sureties and purchasers of land, as far as it can be applied to them. If, however, the prisoner shall admit the justness of the demand for which he was confined, as well as any other claims that may be made upon him, for sums stated to have become due from him subsequent to his confinement, and shall assert that the whole of such sums have been discharged by him, the Judge is to proceed to inquire whether the prisoner has actually paid such sums or not. Upon examination of the prisoner's accounts of his payments (which examination is to be considered as a continuation of the original suit or process, and not as a new suit or process), if it shall appear to the Judge that the demands for which he may be in confinement have been liquidated, he is to release him, upon his giving security to make good any sum which the Collector may state to be still due from him, in the event of the cause being appealed, and the sum being awarded in favour of Government. If the Collector shall not object to the adjustment of accounts made by the court, or if he shall object to them and the person confined shall omit to give the security above required, and the Collector shall not appeal within the time limited for preferring appeals, the Judge is to release the prisoner without taking any security. If it shall be found that the whole, or a part of the sum for which such person may be in confinement, remains undischarged, and he shall acquiesce in the adjustment of accounts made by the court, and shall have been confined on account of such demand for a term exceeding one year, the Judge is empowered to release him, upon his giving good security to pay the sum remaining due from him, by instalments, during the course of one year after his release. The Collector and the prisoner are to be allowed to appeal from the decision which may be passed by the court under this section, in the event of either of them being dissatisfied with it, under the rules regarding appeals prescribed in Regulations V. and VI. 1793. The rules prescribed to Collectors in Section XXX., regarding the decisions therein specified, are to be considered applicable to all decisions passed under this section.

Collector how to proceed, in case of his being cast in a prosecution instituted against him in the zillah court, on account of sums demanded or received by him as arrears of revenue.

XXX. Upon a decision being passed in the Dewanny Adawlut of any zillah, by which the whole, or any part of a sum of money that may have been demanded, or actually received by a Collector, as an arrear of revenue, under this Regulation, from any proprietor or farmer of land, shall be adjudged not to be due, the Collector is to apply immediately to the court, through his Vakeel, for a copy of the proceedings and decree. The court is to order copies of the proceedings and decree to be delivered to the Collector with all practicable despatch. The Collector is to forward the papers, without delay, to the Board of Revenue, with a letter stating his objections to the decree. If the Board shall be of opinion that the decision is not well founded, they are to authorize the Collector to appeal the cause to the provincial court of appeal. If that court shall confirm the decision of the zillah court, the Collector is to apply for, and the court is to grant a copy of their proceedings and decree in appeal, exclusive of the decree and proceedings received from the zillah court. The Collector is to forward the decree and proceedings of the provincial court to the Board of Revenue, with a letter containing his objections to the decree of that court. If the Board shall be dissatisfied with the decision of the provincial court of appeal and the cause shall be appealable to the Sudder Dewanny Adawlut, they are to direct the Collector to prefer an appeal to that court: if the Board of Revenue are satisfied with the decision of the provincial court of appeal, they are to direct the Collector not to prefer an appeal to the Sudder Dewanny Adawlut. In all cases in which the Board of Revenue may order the Collector to prefer an appeal to the provincial court, the Collector is to be indemnified by Government for all costs and damages that may have been awarded against him by the zillah court. On the other hand, if the Board of Revenue shall deem the decision of the zillah court equitable, and not direct an appeal, the Collector is to defray all the costs and damages that may have been awarded against him in that court. The Collector is, nevertheless, to be at liberty to appeal the cause; but at the risk of paying all costs and damages that may be adjudged against him in appeal, in the event of his being ultimately cast. Appeals in which the Collectors may be engaged, either in the provincial court of appeal or the Sudder Dewanny Adawlut, in consequence of orders from the Board of Revenue, are to be carried on by the Vakeel of Government and at the public expense.

Collectors to be indemnified for all expenses incurred in suits in the zillah court, from the decision on which the Board of Revenue may direct an appeal.

If persons prosecuting under Sections IX., X., XII., XIV., XXII., or XXIX., shall be cast and appeal, the Collector is to nominate one of the Vakeels of the provincial court of appeal to defend the appeal.

If the decision of the zillah court should be confirmed, and the cause be appealed to the Sudder Dewanny Adawlut, and an appeal be admitted, the Collector is to appoint one of the Vakeels of that court to defend the appeal.

Collector how to proceed, if the provincial court should not confirm the decision of the zillah court.

Board of Revenue to order the Collector to appeal, if they think the decision of the provincial court not well founded.

If the Board of Revenue shall not direct an appeal, the Collector is to be at liberty to appeal, but at his own risk.

All appeals preferred by the Collector under this section, agreeably to the orders of the Board of Revenue, to be carried on by the Vakeel of Government and at the public expense.

XXXI. If a Collector shall be prosecuted under Sections IX., X., XII., XIV., XXII., or XXIX., and the prosecutor shall be cast, or be dissatisfied with the decision of the Judge of the Dewanny Adawlut of the zillah, and appeal to the provincial court of appeal, the Collector is to appoint one of the Vakeels of the court to plead the cause. If the decree of the zillah court shall be confirmed, or the appellant should be dissatisfied with the decision of the provincial court of appeal and appeal to the Sudder Dewanny Adawlut, and an appeal should be admitted, the Collector is to appoint one of the pleaders in that court to defend the suit. If the provincial court of appeal shall not confirm the decision of the zillah court, the Collector is to apply to the provincial court for a copy of the proceedings and decree of the zillah court, and of their proceedings and decree in the appeal. The courts are to furnish the Collector with these papers with all practicable despatch, and the Collector is to forward them to the Board of Revenue, with a letter stating his objections to the decree in appeal. If the Board shall be of opinion that the decree of the provincial court is not well founded, they are to authorize the Collector to appeal to the Sudder Dewanny Adawlut. If the Board shall see no ground for appealing from the decision of the provincial court of appeal, the Collector is nevertheless to be at liberty to prefer an appeal to the Sudder Dewanny Adawlut, but at the risk of paying all the costs and expenses which may be awarded against him by that court, in the event of his being cast. All appeals that may be preferred by the Collector to the provincial court of appeal or to the Sudder Dewanny Adawlut, or in which he may be respondent, under this section, agreeably to the orders of the Board of Revenue, are to be carried on at the public expense, and conducted by the Vakeel of Government, who is to be furnished with the necessary instructions for that purpose by the Collector.

Collectors to appoint Vakeels of the zillah court to defend suits preferred against them under this Regulation, and to nominate Vakeels of the courts of appeal to carry on appeals which they may have preferred without the orders of the Board of Revenue.

XXXII. In every case in which a Collector may be prosecuted in the Dewanny Adawlut of the zillah under this Regulation, for sums demanded or received by him on behalf of Government from any proprietor or farmer of land, or from any surety, or from any purchaser of land; or for any sums demanded or received, or taken by him, directly or indirectly, for his own use, from any of the above-mentioned descriptions of persons, over and above what he may be entitled to demand on behalf of the public; or for any acts done in his official capacity that may be repugnant to this Regulation, or which may not be warranted by it, and in appeals that he may have preferred without the orders of the Board of Revenue, he is to appoint any of the authorized Vakeels of the court before which the suit may be brought to plead the cause.

What suits instituted against a Collector under this section, are to be considered of a personal and private nature, and how he is to defend them.

XXXIII. In prosecutions that may be instituted in the Dewanny Adawlut of any zillah against the Collector of the zillah, for sums of money demanded, or directly or indirectly received or taken by him for his own use, from any proprietor or farmer of land, or any surety, or any purchaser of land; or for any acts done in his official capacity that may be repugnant to this Regulation, or which may not be warranted by it, and that shall not involve any claims to sums received or demanded by him on behalf of government, in conformity to this Regulation (which claims are to be made the subject of distinct suits, and are to be tried in the manner and under the rules prescribed in this Regulation), the Collector is not to forward the proceedings and decree to the Board of Revenue. The suit is to be considered entirely as a dispute of a private nature, between the Collector and the prosecutor, and the Collector is to defend it at his own risk and expense, in the same manner as individuals amenable to the courts, and not employed by Government, are required to defend suits instituted against them.

Collectors not to derive any pecuniary advantage from suits in which they may be engaged, except in the cases specified in Section XXXIII.

Nor to suffer any loss if their conduct is determined to be conformable to the Regulations.

Collectors to bring to account all costs and damages that may be adjudged to them, with the exception above specified.

Collectors to issue from the public treasury, and to insert at the foot of their accounts, the expenses of suits that are at all events to be defrayed by Government, as well as the expenses of suits that may be ultimately defrayable by Government, but not to insert such expenses in their accounts without the sanction of the Board of Revenue.

XXXIV. The Collectors are not to derive any pecuniary advantage whatever from suits that they may institute, or which may be preferred against them in any of the courts of justice in their official capacity; with the exception of suits in which they may be engaged under Section XXXIII., the sums awarded to them in which they are to apply to their own use. On the other hand, it is not intended that the Collectors should sustain any loss in levying the dues of Government, in cases in which their conduct may be adjudged by a final judicial decree to be conformable to this Regulation. The Collectors are accordingly to bring to the credit of Government, in their monthly accounts, all sums whatever (with the exception above specified) that may be adjudged to them as costs or damages by any of the courts of civil justice; and they are to insert at the foot of their monthly accounts, or in a separate account, or in their monthly accounts under a distinct head, according as the Board of Revenue may deem advisable, all sums which they may disburse, in conformity to this Regulation, on account of process or suits directed to be carried on by the Vakeel of Government, the costs and damages in which are expressly directed to be defrayed by the public, or in suits the costs and damages in which may be ultimately defrayable by Government, but for which the Collectors are directed to be held responsible in the first instance. But they are, in no case, to charge these disbursements in their accounts, without previously obtaining the special sanction of the Board of Revenue for that purpose. Until such sanction is procured, the Collectors are to be held answerable for the disbursements.

Board of Revenue to report to the Governor General in Council any cases in which a Collector may have been compelled to pay costs or damages, and for which they may be of opinion he ought not to be made responsible.

XXXV. If a Collector shall have been compelled to pay costs or damages in any suit under this Regulation, and upon his stating the case to the Board of Revenue it shall appear to them, upon a consideration of the circumstances of it, that he ought not to be made responsible for the amount, the Board are to transmit the case to the Governor General in Council, who will determine whether the Collector shall be made responsible for such costs or damages or not.

Cases in which security is to be demanded from Collectors for costs or damages, or for the performance of decrees of the court.

XXXVI. Security is not to be demanded from the Collectors for their personal appearance, in any suit in which they may be engaged under this Regulation: nor shall any security be required from them for the payment of costs, or for the performance of the decrees or orders of the court, in suits which are directed by this Regulation to be carried on by the Vakeel of Government and at the public expense. In suits for sums demanded or received by the Collector on behalf of Government, for the costs and damages in which he is declared eventually responsible, the courts are to require the same security from the Collector for the payment of the costs and damages, as would be taken in similar cases from individual suitors; but they are not to require any security from him for the performance of their decrees respecting the sums which may constitute the subject of the suits, as Government will be answerable for the due performance of them. In the suits described in Section XXXIII. which may be instituted against the Collector, he is to give the same security for the payment of the costs, and the performance of the decrees and orders of the courts, as would be required from individual suitors in similar cases. If a Collector shall refuse or omit to pay, within the limited period, any sum of money that may be ordered to be levied from him, either on account of the suits described in Section XXXIII., or as costs or damages in any other suits, for the expenses incurred in which he is declared eventually responsible, the court is to levy the amount from his surety by the customary process. If the court shall not be able to obtain payment from his surety, the Judge is to report the circumstances to the Governor General in Council, who will order the amount to be paid from the public treasury, and deduct it from the allowances which may be receivable by the Collector from Government.

Courts how to proceed, in the event of a Collector omitting or refusing to obey any order or decree.

In all other cases, if a Collector shall omit or refuse to obey any order or decree of a court of judicature, the court from which the process shall have issued is to fine him according to the nature of the offence. In the event of the Collector refusing or omitting to pay the fine, the court is to report the circumstances to the Governor General in Council, who, provided he shall approve of the fine, will order the amount to be stopped from the allowances which may be receivable by such Collector from Government.

Board of Revenue to issue instructions to the Collectors, regarding the mode of inserting or noting in their accounts their receipts and disbursements in the suits herein mentioned, and to require such vouchers for the same as they may think proper.

XXXVII. The Board of Revenue are to issue such instructions as they may think advisable to the Collectors, regarding the mode of inserting in their monthly accounts the sums which may be paid to them as costs and damages, in consequence of the orders or decrees of any of the courts of civil judicature, or noting at the foot of their accounts, or charging under a separate head in their monthly accounts, the sums which they may disburse as costs or damages which are expressly directed to be defrayed by Government, whatever may be the final decision in the cause, or that may be ultimately defrayable by Government although in the first instance the Collectors are to be held responsible for them; and to require such vouchers as they may deem necessary for such receipts and disbursements, as well as for the sums which the courts may adjudge to be repaid from the public treasury, or not to be due to the public.

Process issued against Collectors under this

XXXVIII. When any process or order shall be issued by any of the courts of regulation, how to be served.

of civil judicature to the Collector of a zillah, in suits instituted under this Regulation, the Register of the court immediately serving the process or order is to transmit it under a cover sealed in the form of a letter, and superscribed with his name and official appellation, and addressed to the Collector. The Collector is to acknowledge the receipt of the process or order, on the day on which he may receive it, by a letter addressed to the Register of the court by which it may have been served.

Collectors allowed to forward instructions to their Vakeels in the courts of appeal, by the Dawk, free of postage.

Instructions to be sealed and inclosed under a sealed cover addressed to the Register of the court.

Persons removed from the office of Collector, and having suits depending in the zillah court, empowered to forward instructions to their Vakeels by the public Dawk and through the Register of the court.

Vakeels in any of the courts employed by Collectors under this Regulation, empowered to forward papers to their constituents free of postage, through the Register of the court in which the cause may be depending.

XXXIX. To facilitate the communication between the Collectors and the Vakeels in the provincial courts of appeal and the Sudder Dewanny Adawlut, who may be entrusted with the conduct of any appeals (including appeals from decisions in the suits described in Section XXXIII.), in which they may be engaged under this Regulation, either whilst they may continue in the office of Collector of the zillah in which such suits may have arisen, or after their removal from the office, the Collectors are permitted to forward, free of postage, any instructions which they may have to transmit to the Vakeels of such courts. The instructions are to be enclosed under a cover, sealed and directed to the Vakeel. The instructions, so sealed and directed, are to be transmitted under a sealed cover, addressed to the Register of the court in which the cause may be depending, and superscribed with the name and official appellation of the person dispatching it. The Register of the court, immediately upon receiving the instructions, is to deliver them sealed to the Vakeel to whom they may be directed. Any person who may be removed from the office of Collector of a zillah, and may have suits depending in the Dewanny Adawlut of such zillah after his removal from the office, is likewise empowered to forward instructions to his Vakeel through the Register of the court. In like manner, the Vakeels in any of the courts to whom the pleading of suits may be committed under this Regulation by persons holding the office of Collector, or after they have been removed from the office, are authorized to forward any papers which they may have to convey to their employers by the public Dawk, free of postage. The papers are to be enclosed in a cover, sealed with the seal of the Vakeel, and the Register of the court is to transmit the papers, so sealed, in a cover addressed to the person to whom they are to be forwarded, and superscribe the cover with his official signature.

Sums advanced as tuccavy or poolbundy, &c. to be recovered under this Regulation, in the same manner as arrears of revenue.

XL. Arrears of tuccavy, or any money advanced by Government to proprietors or farmers of land, for making or repairing embankments, reservoirs, or water-courses, or other improvements to their estates or farms, are to be recovered by the same process as is prescribed for exacting payment of arrears of revenue, and under the same rules and restrictions, as far as they may be applicable.

Collectors not to be liable to prosecution for the acts of their predecessors.

What suits persons removed from the office of Collector are bound to prosecute or defend after their removal.

XLI. No Collector is to be liable to prosecution for any official acts of his predecessor: but persons who may be removed from the office of Collector of the Revenue of a zillah are to carry on, in the same manner as if they had continued in the office, all suits of the nature of those described in Section XXXIII., in which they may be engaged, and all suits preferred against them in the zillah courts, for sums that they may have demanded or received on behalf of Government, and for the costs and damages in which they are declared eventually answerable, as well as all suits, being appeals from decisions in suits of the last-mentioned description, excepting such of those appeals as they may have preferred, or in which they may have become a party, in consequence of orders from the Board of Revenue.

Collectors to carry on the unfinished suits and process begun [illegible], which may have been instituted under their predecessors.

XLII. If the Collector of a zillah shall die or be removed from his office, his successor is to carry on all unfinished process or suits in the court of Dewanny Adawlut of such zillah, directed by this Regulation to be conducted by the Vakeel of Government and at the public expense; and all appeals from the decrees of the zillah court or the provincial court of appeal, in such cases, as also all appeals from the decrees of the zillah court or the provincial court of appeal, in which the former Collector may have been engaged, in consequence of orders from the Board of Revenue, and which are ordered to be pleaded by the Vakeel of Government and at the public expense.

Cases in which the Board of Revenue are to take upon themselves the prosecution or defence of appeals in the Sudder Dewanny Adawlut.

XLIII. In cases in which the Board of Revenue may judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they are to take upon themselves the superintendence of the prosecution or defence of any appeal in the Sudder Dewanny Adawlut, which a Collector may prefer or be engaged in, pursuant to their orders, instead of leaving the superintendence of the appeal to him.

If the proceeds of the sale of the malguzarry lands of any defaulter are not equal to the demand against him, his other property to be sold to make good the deficiency.

XLIV. If the lands subject to the payment of revenue to Government, belonging to any defaulting proprietor or farmer of land, or any surety or purchaser of land, which may be sold under this Regulation, shall not produce a sum sufficient for the liquidation of the public demand, any other real or personal property which the defaulter may possess is to be attached and sold to make good the deficiency, under the same rules as his lands subject to the payment of revenue to Government are directed to be sold, as far as those rules may be applicable to such property.

Expenses attending the attachment of property ordered to be sold, but the sale of which may be countermanded, to be defrayed by the proprietor.

And if any property shall be attached and ordered to be put up to sale, and the sale shall be countermanded in consequence of the proprietor discharging the claim upon him, or other cause, he is nevertheless to be held responsible for all expenses that may be incurred in consequence of the attachment of the property, in the same manner as if the sale of it had taken place; and in the event of his omitting to discharge the amount, it is to be levied by the same process as the demand for which the property originally ordered to be sold may have been directed to be levied.

How the process in Section V. is to be served on defaulters being or residing in the cities of Patna, Dacca, Moorshedabad, or Calcutta.

XLV. If any proprietor or farmer of land, against whom the Collector may issue the process specified in Section V., shall be or reside in either of the cities of Patna, Dacca, or Moorshedabad, the Collector is to order the two Peons whom he may charge with the writing for the apprehension of the defaulter, to proceed to the Judge of such city, who is to order a Peon to accompany them, to point out the place of residence of the defaulter. The two Peons are to take the defaulter into custody, and convey him to the gaol of the Dewanny Adawlut of the city in which they may so apprehend him. The remainder of Section V., with regard to cases in which defaulters shall not reside or be within the limits of the zillah, wherein the lands on account of which the arrears may be due shall be situated, is to be considered equally applicable, as if the defaulter had been apprehended in any zillah instead of in such city. If any defaulter, of either of the descriptions before-mentioned in this section, shall be or reside within the limits of the town of Calcutta, the Collector is to forward the written demand for the amount claimed from the defaulter to the Board of Revenue, who are to submit it to the Governor General in Council. Upon the receipt of the writing, the Governor General in Council will either order the defaulter to be apprehended and conveyed to the gaol of the Dewanny Adawlut of the zillah, from the Collector of which the written demand may have issued, or adopt such other measures as may appear to him proper. If the Governor General in Council shall cause the defaulter to be apprehended and conveyed to the gaol of the Dewanny Adawlut of the zillah above-mentioned, he is thenceforward to be considered exactly in the same predicament as if he had been apprehended within the limits of such zillah, and conveyed to gaol by the Collector of it under Section V.

Zillah courts how to proceed, in cases in which persons may dispute the validity of the engagements under which demands may be made upon them by the Collectors, or have any objections to make to the engagements, either wholly or partially, under the Regulations, or deem themselves aggrieved by acts done by the Collector, in conformity to special orders from the Governor General in Council or the Board of Revenue.

XLVI. If a proprietor or farmer of land, or a surety or a purchaser of land, shall deem himself aggrieved under this Regulation, by any act which may be done by a Collector, in conformity to special orders from the Governor General in Council or the Board of Revenue; or if a Collector shall demand a sum of money, under this Regulation, on behalf of Government, from any of the above-mentioned descriptions of persons, and the stated defaulter shall admit the demand to be conformable to the engagements or stipulations under which the Collector may make the demand but deny their validity, or have any objections to make to them, either wholly or in part, under any Regulations passed by the Governor General in Council, the Collector is not to be liable to any prosecution on account of such act, or the demands that he may make conformably to such engagements or stipulations, which are to be held valid, until they are set aside or altered by a final judicial decision; and the proprietor or farmer of land, or surety or purchaser of land, is to discharge the demands that may be made upon him by the Collector under such engagements or stipulations, until the decision shall be passed. In the cases above specified, Government is to be considered as a party in the cause with its subjects, and the proprietor or farmer of land, or the surety or purchaser, is to present a petition to the Judge of the Dewanny Adawlut of the zillah in which the cause may be cognizable, stating his objections to the act, or to the engagements or stipulations, and praying that the Governor General in Council will order the Dewanny Adawlut of the zillah to try the points or matters contested under the Regulations. The Judge to whom the petition may be presented is to forward it immediately to the Governor General in Council, who, provided he shall not think it proper to afford the redress that may be solicited by the petitioner, and the courts of justice shall be competent to try the cause, will direct the court in which it may be cognizable to proceed to the trial of it. If the Governor General in Council shall order the cause to be tried, the Judge of the court is to send a written notification of the order to the complainant, and the cause is to be considered as filed in the court from the date of the notification. The court is then to proceed to try the suit, under the same rules and regulations as are prescribed for the trial or suits between individuals. The Collector of the zillah is to carry on, under the orders of the Board of Revenue, all suits that may be instituted against Government in conformity to this section, and to issue the necessary instructions to the Vakeel of Government in the zillah court, and in the provincial court of appeal or Sudder Dewanny Adawlut, should the cause be appealed to the former or both of those courts. In the event of Government being cast in the zillah court or in the provincial court of appeal, the Collector is to send copies of the decree and proceedings

of

Rates of interest to be decreed, where the cause of action shall have arisen before the 28th March 1780, and

II. *First.* If the cause of action shall have arisen before the twenty-eighth day of March, one thousand seven hundred and eighty, the courts of civil judicature are not to decree higher or lower rates of interest than the following:—

may not exceed one hundred sicca rupees, or

Second. On sums not exceeding one hundred sicca rupees three rupees and two annas per cent. per mensem, or thirty-seven rupees and eight annas per cent. per annum.

may exceed that sum.

Third. On sums exceeding one hundred sicca rupees two per cent. per mensem, or twenty-four per cent. per annum.

Rates of interest to be decreed, where the cause of action shall have arisen between the 28th March 1780 and the 1st January 1793, and

III. *First.* If the cause of action shall have arisen at any period between the twenty-eighth day of March, one thousand seven hundred and eighty, and the first day of January, one thousand seven hundred and ninety-three, no higher or lower rates of interest than the following are to be decreed:

may not exceed one hundred sicca rupees, or

Second. On sums not exceeding one hundred sicca rupees, two per cent. per mensem, or twenty-four per cent. per annum.

may exceed that sum.

Third. On sums exceeding one hundred sicca rupees one per cent. per mensem, or twelve per cent. per annum.

Twelve per cent. to be decreed, if the cause of action shall have arisen after the 1st of January 1793.

IV. If the cause of action shall have arisen, on or after the first day of January, one thousand seven hundred and ninety-three, the courts are not to decree any interest on any sum whatever, above the rate of twelve per cent. per annum.

Lower rates of interest than those authorized in Sections, II., III., and IV. to be decreed, if stipulated between the parties.

V. If in any of the cases specified in Sections II., III., and IV., a lower rate of interest than any of the rates therein authorized to be awarded shall have been stipulated between the parties, no higher rate of interest than the rate so stipulated is to be decreed.

Courts not to decree a greater sum for interest than the amount of the principal in any case.

Exception.

VI. If the interest on any debt, calculating according to the rates allowed by this Regulation, shall have accumulated so as to exceed the principal, the courts are not, in any case whatever (excepting the cases specified in Section XII.), to decree a greater sum for interest than the amount of such principal.

Compound interest on intermediate adjustments of accounts not to be allowed.

To what cases this rule is not to extend.

VII. The courts are not to decree any compound interest arising from intermediate adjustments of accounts. This rule, however, is not to extend to cases in which accounts between the parties shall have been adjusted, and the former bonds or agreements cancelled, and new bonds or agreements taken for the aggregate amount of the principal, and the legal interest remaining due upon the adjustment consolidated into principal.

Cases in which the interest on bonds or instruments, executed on or subsequent to the 28th March 1780, is to be forfeited.

VIII. The courts are not to decree any interest whatever, in any case, where the bond or instrument given for the security and evidence of the debt shall have been granted on or subsequent to the twenty-eighth day of March, one thousand seven hundred and eighty, and shall specify a higher rate of interest than is authorized by this Regulation to have been given and received subsequent to that date.

Suit to be dismissed with costs, where the cause of action shall have arisen on or subsequent to the 28th March 1780, if any attempt is made to evade this Regulation.

IX. Nor to decree any interest whatsoever in favour of the plaintiff, in any case where the cause of action shall have arisen on or subsequent to the twenty-eighth day of March, one thousand seven hundred and eighty, where a greater interest than is authorized by this Regulation shall have been received, or stipulated to be received, if it be proved that any attempt has been made to elude the rules prescribed in it, by any deduction from the loan, or by any device or means whatever; nor to give any other judgment, but for the dismission of the suit with costs to be paid by the plaintiff.

What interest is to be allowed on mortgage bonds for real property, executed prior, &c. or subsequent to the 28th March 1780.

X. In cases of mortgages of real property, executed prior to the twenty-eighth day of March, one thousand seven hundred and eighty, in which the mortgagee may have had the usufruct of the mortgaged property, whether he shall have held it in his own possession or not, the usufruct is to be allowed to the mortgagee in lieu of interest, agreeably to the former custom of the country (provided it shall have been so stipulated between the parties), until the above-mentioned date, subsequent to which the same interest is to be allowed on such mortgage bonds, and also on all bonds for the mortgage of real property, which have been entered into on or since that date, or that may be hereafter executed, as is allowed on other bonds which have been or may be granted on or posterior to such date, and no more; and all such mortgages are to be considered as virtually and in effect cancelled and redeemed, whenever the principal sum, with the simple interest due upon it, shall have been realized from the usufruct of the mortgaged property subsequent to the twenty-eighth day of March, one thousand seven hundred and eighty, or otherwise liquidated by the mortgager.

Mortgagee to deliver in true accounts of his receipts and expenditures.

XI. For the adjustment of the accounts, in the cases of mortgages specified in Section X., where the mortgagee shall have had the usufruct of the mortgaged property, the mortgagee is to be required to deliver in the accounts of his gross receipts from the property mortgaged, and also of his expenditures for the management or preservation of it. The mortgagee is to swear, or (if he be of the description of persons whom the courts are empowered to exempt from taking oaths) to subscribe a solemn declaration, that the accounts which he may deliver in are true and authentic. The mortgager is to be permitted to examine the accounts, and after hearing any objections he may have to offer, or any evidence that either party may have to adduce respecting them, the court is to adjust the account.

Rules in the preceding sections not to extend to respondentia loans or policies of insurance.

XII. The rules contained in the preceding sections are not to be considered to extend to respondentia loans or policies of insurance, the interest on which is to be regulated by the terms of the deeds, and the laws and usages which prevail respecting such transactions.

A.D. 1793. REGULATION XVI.

A REGULATION *for referring Suits to Arbitration, and submitting certain Cases to the Decision of the Nazim:* PASSED *by the Governor General in Council on the* 1*st May* 1793 (*corresponding with the* 21*st Bysaak,* 1200 *Bengal era; the* 6*th Bysaak,* 1200 *Fussily; the* 21*st Bysaak,* 1200 *Willaity; the* 6*th Bysaak,* 1850 *Sumbut; and the* 19*th Ramzaan,* 1207 *Higeree*).

I. THE Regulations for the administration of justice passed on the 27th of June 1787, empowered the courts to refer certain suits to the decision of one person, without the consent of either of the parties. This rule deprived the parties in such suits of the benefit of having their claims tried by the regular tribunals, and was further inexpedient, as it vested in the Judges a discretionary power of committing the administration of the laws to any persons (with certain exceptions) whom they thought proper. In cases in which suits were referred to arbitration with the consent of the parties, no provisions were made in those Regulations for determining differences of opinion that might arise between the arbitrators, or for completing the award in the event of their not delivering it by the limited period. The awards in suits referred to arbitration were consequently often protracted from disagreements between the arbitrators, or other causes, and the suits were frequently brought again before the courts for decision. These defects in the Regulations were productive of much inconvenience and expense to the parties, and the good effects intended to be produced by referring disputes to arbitration were always liable to be counteracted. The Governor General in Council being desirous to promote the reference of disputes of certain descriptions to arbitration, and to encourage people of credit and character to act as arbitrators, and having deemed it proper to submit certain cases to the decision of the Nazim, the following rules have been enacted.

What suits exceeding two hundred rupees the courts are to recommend to the parties to refer to arbitration.

II. In suits that may be brought before any of the courts of civil judicature concerning disputed accounts, partnerships, debts, doubtful or contested bargains, or non-performance of contracts, in which the cause of action shall exceed two hundred sicca rupees, the courts are to recommend the parties to submit the decision of the matters in dispute to arbitration.

Cases in which the courts are empowered to nominate one person to arbitrate with the consent of the parties.

III. In all suits for money or personal property, the amount or value of which shall not exceed the sum of two hundred sicca rupees, the courts are empowered, with the consent of the parties, to refer the suit to the decision of one arbitrator. The parties or their Vakeels, upon agreeing to the reference, shall, on or before the next court day, mutually choose some one common friend or indifferent person who may be willing to undertake the arbitration. If the parties shall not agree with respect to the person to be appointed arbitrator, or if the person nominated by them shall refuse to accept the arbitration, and the parties or their Vakeels cannot agree in the appointment of another person willing to undertake the arbitration, the court, with the consent of the parties, is to appoint as arbitrator in the cause, the proprietor of the estate in which the cause of action shall have arisen, or the farmer, if the estate be held in farm of Government, or the Cauzy of the purgunnah, or the Tehseeldar, or any other creditable person, provided that the person, so to be nominated by the court, be not in any respect interested in the matter in dispute. But if the parties cannot agree in the nomination of an arbitrator, or if the person whom they may nominate shall refuse to accept the trust, and the parties cannot agree upon the appointment of any other person willing to undertake the arbitration, or shall not consent to the appointment of an arbitrator by the court, the cause is not to be referred to arbitration, but is to be tried by the court or the Register, if the cause be depending in a zillah or a city court, and the Judge shall think it proper to refer it to him for decision. In the event of the parties, or their Vakeels, agreeing in the nomination of an arbitrator willing to accept the arbitration, or to an arbitrator being appointed by the court, the person so chosen or appointed shall be the arbitrator in the cause.

Parties in suits described in this section to have the option of referring their causes to the decision of two or more arbitrators.

cause. The parties, however, in suits of the nature of those described in this section, are to have the option of choosing two or more arbitrators to decide their cause, in the same manner as the parties in the causes specified in Section II.

Courts to encourage, but not oblige persons to become arbitrators.

What persons are disqualified from becoming arbitrators.

Courts to recommend parties to submit to the arbitration of one person.

Parties to choose the arbitrators.

Exception.

Arbitrators to decide without fee or reward.

IV. The Judges of the courts are enjoined to afford every encouragement in their power to persons of character and credit to become arbitrators; but they are not to employ any coercive means for that purpose, nor to permit any of their public officers or private servants, or any of the authorized Vakeels, to be arbitrators in a cause. In all cases, the courts are directed to endeavour, but without using any compulsion, to prevail upon parties to submit their cause to the arbitration of one person to be mutually agreed upon by them. In every case (with the exception of the cases specified in Section III., which the courts are empowered to refer to one arbitrator with the consent of the parties), the parties are to choose the arbitrators, who are to decide the matter in dispute without fee or reward.

Court how to proceed upon the parties agreeing to refer a cause to arbitration.

Provisions to be made against the arbitrators not delivering in their award by the limited time from disagreement, or other cause.

V. Whenever a suit shall be submitted to arbitration, the court in which it may have been instituted, previous to the arbitrator or arbitrators entering upon the arbitration, is to cause the parties to execute arbitration bonds, binding themselves to abide by the award and agreeing that it be made a decree of the court. The court is to fix such time as it may think reasonable, upon a consideration of the nature and circumstances of the case, for the delivery of the award, and the period so fixed is to be specified in the bonds. If the cause shall be referred to two or more arbitrators, the following provisions are to be made for completing the award, in the event of the arbitrators not delivering it by the limited time, either from disagreement or other cause. If the decision of the suit shall be referred to two or more arbitrators, whether an odd or an even number, the parties are to have the option of nominating jointly one person as umpire; or if the number of arbitrators appointed shall be three or more, being an odd number, to agree that the award given by the majority shall be final, or to permit the arbitrators to nominate an umpire. The name of the umpire, and the time by which he is to make his award, in the event of the arbitrators not delivering it by the limited period, is to be specified in the bonds, which are to be executed before the arbitrators enter upon the inquiry. In the event of an umpire being appointed, and the arbitrators not agreeing in an award by the limited period, their authority is to cease from such period, and the umpire is to give his award.

Courts how to proceed when the arbitration bonds have been executed.

VI. When a cause shall be referred to arbitration and the bonds specified in the preceding section shall have been executed, the court is to transmit to the arbitrator or arbitrators a copy of the bill of complaint, and by a short writing under the seal of the court, refer to him or them the matters in dispute between the parties. In the trial of the suit, the arbitrators are to investigate the matters in dispute, by hearing the pleadings of the parties and examining their respective witnesses and documents. The court is to issue the same process to the parties, and to the witnesses whom the arbitrator or arbitrators, or the parties, may desire to have examined, to appear before the arbitrator or arbitrators, and to administer such oaths to the parties and witnesses as the court is authorized to administer in causes tried before it; and persons not attending in consequence of such process, or making any default, or refusing to give their testimony or to sign their depositions, or being guilty of any contempt to the arbitrator or arbitrators during the investigation of the suit, are to be subject to the like disadvantages, penalties, and punishments, by order made by the arbitrator or arbitrators, as they would incur for the same offences in suits tried before the court; provided that the arbitrator or arbitrators shall report the order, with the reason for making it, to the court, and obtain its consent thereto, which is to be signified by the Judge or Judges signing the order. In cases in which an arbitration may be held at a considerable distance from the court, the court may grant commissions to the arbitrators to administer the proper oaths to witnesses whom they may be desirous of examining upon oath.

Cases in which the courts may extend the period for the delivery of an award.

VII. In cases where arbitrators or umpires shall not have been able to complete the award by the limited time, from want of the necessary evidence or information, or other good and sufficient cause, the courts are empowered to allow a further time for the delivery of the award. In the first-mentioned case, the courts are to fix a period by which the umpire (if an umpire shall have been appointed) shall deliver his final award, in the event of the arbitrators not completing their award by the expiration of such further time.

Arbitrators to deliver all documents and papers into the courts.

Award to become a decree of the court.

VIII. When a final award in a cause shall be made, either by the arbitrators or the umpire, it is to be submitted to the court under the seal and signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause. The court is to pass a decree conformably to the award, and the decree is to be carried into execution in the same manner as other decrees of the court.

Awards not to be set aside, but upon proof of corruption or partiality against the arbitrators.

IX. The award of an arbitrator or arbitrators is not to be set aside, except it be fully proved to the satisfaction of the court, by the oaths of two credible witnesses, that the arbitrator or arbitrators has or have been guilty of gross corruption or partiality in the cause in which the award may be made.

Cases to be referred to the Nazim.

X. In complaints brought before any zillah or city court, in which it shall appear, either by the application of the Nazim or the representation of the defendant, at or before the time of giving in his or her answer, or by the petition of the complainant, that both parties are servants or relations of his Excellency, or the widows or female descendants of the former Nazims of Bengal, the parties are to be referred for justice to the Nazim, or to any person whom he may appoint to dispense it. Upon a complaint being preferred against any servant or servants of his Excellency by persons of a different description, the court in which the complaint may be instituted is either to refer it to his Excellency, or to hear it in the ordinary manner, according to its discretion, taking care at all times, and in all matters, to pay every proper attention to the dignity and long established rights of the Nabob. Provided, however, that in all cases in which either the plaintiff or defendant shall prefer the jurisdiction of the court to that of the Nazim, the Judge is to try and determine the suit in the same manner as if neither of the parties had been persons of the description specified in this section.

A.D. 1793. REGULATION XVII.

A REGULATION *for re-enacting with Alterations and Amendments the Regulations passed by the Governor General in Council on the 20th July 1792, for empowering Landholders and farmers of land to distrain and sell the personal Property of Under-farmers, Ryots, and dependent Talookdars, and (in certain specified cases) their Sureties for Arrears of Rent or Revenue, and for preventing Landholders and Farmers of Land confining or inflicting corporal Punishment on their Under-farmers, Ryots, and dependent Talookdars, or their Sureties, to enforce Payment of Arrears:* PASSED *by the Governor General in Council on the 1st May 1793 (corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree).*

I. FROM the Regulations not defining the nature and extent of the coercion which landholders and farmers of land might legally exercise over their under-farmers, Ryots, and dependent Talookdars, to enforce payment of arrears of rent or revenue, many landholders and farmers, availing themselves of the sanction of former usage, had recourse to the most oppressive means for realizing arrears, and frequently employed the same severities for the purposes of extortion; whilst others, doubtful what measures they were empowered to adopt to enforce payment from defaulters, and apprehensive of subjecting themselves to prosecution for oppression, refrained from all compulsion, and were often defrauded of arrears to which they were justly entitled. These defects in the Regulations tending to skreen oppression and dishonesty on the one hand, and to discourage moderation and good faith on the other, and it being as essential to the prosperity of the country and the punctual collection of the public revenue, that landholders and farmers of land should have the means of compelling payment from defaulters without being obliged to have recourse to the courts of justice, and incurring the delay and expense necessarily attending a law process for the recovery of every arrear, as that under-farmers, Ryots, and dependent Talookdars should be protected from oppression and unjust demands, the Governor General in Council, with a view to the attainment of these important objects, passed certain Regulations on the 20th of July 1792. The rules and orders contained in those Regulations are hereby re-enacted with alterations and amendments.

What persons may distrain. Where and what property is liable to distraint and sale.

II. Zemindars, independent Talookdars, and other actual proprietors of land, and farmers of land who hold their farms immediately of Government, are empowered to distrain, without sending notice to any court of justice or any public officer (excepting the after-notice directed to be given in the cases of defaulters employed in the provision of the Company's investment or the manufacture of salt, as specified in Section XXXI.), the crops and products of the earth of every description, the grain, cattle, and all other personal property, whether found in the house or on the premises of the defaulter, or in the house or on the premises of any other person, within or without the limits of the estate or farm of the distrainer, belonging to their under-renters and Ryots, and the Talookdars paying revenue through them, for arrears of rent or revenue, and to cause the said property to be sold for the discharge of such arrears. The same powers are likewise vested in dependent Talookdars for the recovery of arrears of Rent from their under-farmers and Ryots, and also in under-farmers who farm lands from Zemindars, independent Talookdars, or other actual proprietors of land, or dependent Talookdars, or farmers of land who hold their farms immediately of Government, to enable such under-farmers to enforce payment of arrears of rent or revenue from their Ryots, under-farmers, or dependent Talookdars. The several descriptions of landholders and farmers of land above specified are to exercise the powers hereby vested in them, under the following rules and restrictions.

What property is not liable to distraint and sale.

III. Persons vested with the power of distraint shall not distrain or sell the lands, houses, or other real property of their under-farmers and Ryots, or the Talookdars paying revenue through them; nor goods or advances belonging to the Company in the hands of any weaver, manufacturer, or other persons employed in the provision of their investment; nor the loom, thread, unwrought silk or materials of manufacture of any weaver or manufacturer; nor the tools of any tradesman or labourer standing towards them in the relation of under-farmer, Ryot, or dependent Talookdar. All such distraints and sales are declared illegal and void. The defaulter shall stand acquitted of the arrear for which the distress may be levied, and the property shall be restored to him, or the distrainer shall be compelled to make good to him the value of it, if it shall be personal property, and shall have been destroyed, damaged, or injured, or shall not be forthcoming, and the distrainer shall be further obliged to pay to him damages adequate to the loss which he may prove to have sustained in consequence of such attachment or sale, with all costs of suit.

Distraint and sale of it illegal and void.
Penalty.

What property is not to be distrained, if other sufficient property can be attached.

IV. The ploughs and implements of husbandry, the cattle actually trained to the plough, and the seed grain of under-farmers, Ryots, and dependent Talookdars, shall not be distrained for arrears, provided the defaulter shall possess, and the distrainer shall have it in his power to attach other cattle, grain, or property, sufficient for the discharge of the arrear. Distrainers are enjoined to attend strictly to this rule; and every deviation from it shall be punished by an award to the party aggrieved of damages adequate to the injury he may have sustained, with all costs of suit.

Penalty.

When under-farmers, &c. are to be considered to have defaulted.

V. Under-farmers, Ryots, and dependent Talookdars, shall not be considered to have defaulted until the arrears have been ineffectually demanded from them and also from their surety, if they shall have given security and the surety shall be forthcoming; and when, as the last resource, an attachment shall be issued against the property of a defaulter, the responsibility of the surety shall not be thereby in any degree diminished.

Sureties not exonerated by the distraint of the property of defaulters

Penalty for attaching property if no arrear be due.

VI. If any person vested with the power of distraint shall attach, or cause to be sold the property of any under-farmer, Ryot, or dependent Talookdar, for arrears of rent or revenue, and it shall appear upon trial that no arrear was due, the distrainer shall be compelled to restore the property to the owner, or to make good to him the value of it if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, and to pay to him, as damages, a sum adequate to the value of such property and all costs of suit.

Attachment not to take place if the defaul-

VII. If the defaulter shall tender the arrears demanded of him, in the presence tor shall tender the arrears upon demand.

sence of two creditable witnesses, to the person deputed to attach his property, such person shall receive the arrears, and shall not proceed to the attachment.

Distrainers to furnish the person they may depute to distrain with a writing, specifying the amount of the arrear and the date on which it became due.

VIII. Distrainers shall deliver to the person whom they may depute to attach the property of a defaulter a writing, under their seal and signature, specifying the amount of the arrear for which the attachment may be issued and the date on which such arrear became due. The person so deputed shall produce this writing as his authority for making the attachment; and on the day on which he may attach the property, shall deliver a copy of it to the stated defaulter, endorsing thereon a list or inventory of the property attached, and the name of the place where it may be lodged or kept, with a notice that it will be sold on the fifteenth day commencing from the day following the day on which the attachment took place, or if the property attached shall consist of crops or other ungathered products of the earth, within fifteen days calculating from the day following the day on which such crops or products may be stored, as directed in Section XIII.; unless the arrear and expenses of the attachment shall be previously discharged, or he shall contest the demand and procure the attachment to be withdrawn, in the manner hereafter specified. If the defaulter shall be absent, a copy of the above writing, with the prescribed endorsement, shall be fixed up or left at his usual place of residence, before the expiration of the third day calculating from the day of the attachment. If any person vested with the power of distraint shall cause any property to be attached, without furnishing the agent whom they may employ for that purpose with the writing above directed, or if such agent shall be furnished with the writing prescribed, and shall omit to deliver a copy of it, with the required endorsement, to the defaulter, or in the event of his absence, to leave such copy at his usual place of residence within the period limited, the distrainer shall not be entitled to recover the arrear for which the distress may have been levied, and he shall be compelled to restore the property to the defaulter, or the value of it if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, and to pay all costs of suit.

Copy of the writing, with list of the property distrained, name of the place where it is lodged, and notice that it will be sold, indorsed thereon, to be delivered to the defaulter, or left at his place of residence in case of his absence.

Penalty.

Under-farmers, &c. who have not given security for their rent or revenue, and who may contest the arrear, how to procure the attachment of their property to be withdrawn.

IX. If an attachment for arrears shall have been issued against the property of any under-farmer, Ryot, or dependent Talookdar, who may not have given security to the distrainer for the payment of his rent or revenue, and such under-farmer, Ryot, or dependent Talookdar shall dispute the justness of the demand, and within five days commencing from the day following the day of the attachment, or if the property attached shall consist of crops or other ungathered products of the earth, within five days calculating from the day following the day on which such crops or products may be stored, as directed in Section XIII., shall enter into a bond before the Judge of the zillah, the Cauzy of the pergunnah, or the distrainer, with good security, binding himself to institute a suit in the Dewanny Adawlut of the zillah within fifteen days from the date of such bond, for the trial of the demand, and to pay whatever sum may be adjudged to be due from him, with interest upon it at the rate of twelve per cent. per annum, to be calculated from the date on which the arrear that may be awarded became payable to the date of the decree, with all costs of suit, the destrainer shall immediately withdraw the attachment and restore the property to the defaulter. If the stated defaulter shall fail to execute the bond within the period prescribed, the destrainer shall be at liberty to keep the property under

To execute a bond with security to try the demand in the Dewanny Adawlut of the zillah in fifteen days.

Attachment to be withdrawn upon the execution of the bond.

attachment, and to cause it to be sold in the manner directed in Section XXII., unless the arrear, with the expenses of the attachment, shall be discharged previous to the day of sale. If the defaulter shall execute the bond but omit to institute the suit in the Dewanny Adawlut by the time prescribed, the distrainer shall demand payment of the arrear from the surety, and in the event of his not discharging the amount immediately, the distrainer shall be at liberty to issue an attachment against the personal property both of the surety and the defaulter, or the personal property of either of them, and to cause it to be sold, unless the arrear and the expenses of the attachment shall be discharged previous to the day of sale.

Distrainer how to recover the arrear, upon the defaulter failing to institute the suit by the time limited in the bond.

Under-farmers, &c. who have given security for their rent or revenue, and who may contest the arrears, how to procure the attachment to be withdrawn.

Surety to execute writing to try the demand in the Dewanny Adawlut within fifteen days.

X. If an attachment for arrears shall have been issued against an under-farmer, Ryot, or dependent Talookdar, who may have given security for the payment of his rent or revenue, and such under-farmer, Ryot, or dependent Talookdar shall dispute the justness of the demand, and the surety, within five days commencing from the day following the day of the attachment, or if the property attached shall consist of crops or other ungathered products of the earth, within five days calculating from the day following the day on which such crops or products may be stored, as directed in Section XIII., shall deliver a writing, attested by two witnesses, to the Judge of the Dewanny Adawlut, the Cauzy of the Pergunnah, or the distrainer, engaging that either he or, the stated defaulter will institute a suit in the Dewanny Adawlut of the zillah within fifteen days from the date of such writing to try the demand, and to pay the amount that may be adjudged against them, with interest upon it at the rate of twelve per cent. per annum, to be calculated from the date on which the arrear that may be awarded became payable to the date of the decree, with all costs of suit, the distrainer shall immediately withdraw the attachment. If the surety shall fail to execute such writing within the prescribed period, the distrainer shall continue the property under attachment, and cause it to be sold in the manner directed in Section XXII., unless the arrear and the expenses attending the attachment shall be discharged previous to the day of sale. If the surety shall execute the writing, but fail to have the suit instituted, either in his own name or that of the defaulter, within the limited period, the distrainer shall demand payment of the arrears from the surety; and in the event of his omitting to discharge the amount immediately, the distrainer shall be at liberty to issue an attachment against the personal property both of the surety and the defaulter, or the personal property of either of them, and to cause it to be sold in the manner directed in Section XXII., unless the arrears and the expense attending the attachment shall be discharged prior to the day of sale. If the surety of the stated defaulter shall refuse or omit to enter into the writing required, or if he shall happen to be at a distance so as to render it impossible for him to execute such writing within the prescribed time, and such defaulter, in either of these cases, shall give the security required from the defaulters specified in Section IX., the distrainer shall withdraw the attachment, and as far as regards the said arrear, such distrainer, defaulter, and surety, shall be considered in every respect in the same predicament as the distrainers, defaulters, and sureties mentioned in the said section. Landholders and farmers of land are prohibited distraining or selling the property of the sureties of their under-farmers, Ryots, and dependent Talookdars (nominal sureties excepted, as described in Section XXVII.), under any pretext whatever, but

Attachment to be withdrawn upon the execution of the writing.

Distrainer how to recover the arrears, upon both surety and defaulter failing to institute the suit by the time limited in the bond.

Under-farmers, &c. how to proceed to get the attachment withdrawn, in case of the absence of the surety or of his refusing to execute the writing required.

Property of sureties not liable to distraint or sale, except in the cases herein authorised.

Claim on sureties on other cases how to be recovered.

in the cases specified in this section and in Section IX. In all other cases, landholders and farmers of land are to have recourse to the Dewanny Adawlut of the zillah, for the recovery of any claims which they may have on the sureties of their under-farmers, Ryots, or dependent Talookdars. If any person shall distrain or sell the property of a surety, excepting in the cases above authorized, such surety, provided he be desirous thereof, shall be discharged from his engagement, and the distrainer shall be compelled to restore the property to him, or to pay to him the value of it, if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, with all costs of suit.

Penalty for the illegal distraint or sale of the property of sureties.

Attachment to be withdrawn if the defaulter shall tender the arrear and expenses of attachment previous to the day of sale.

XI. If the defaulter shall tender payment of the arrear demanded of him, in the presence of two creditable witnesses, after his property shall have been attached and prior to the day fixed for its being put up to sale, and also of the necessary expenses attending the attachment, the distrainer shall receive the amount of such arrear and expenses immediately upon the same being tendered, and shall forthwith release the property. In case of any dispute arising respecting the expenses of the attachment, it shall be determined by the Cauzy of the pergunnah in which the distress may have been levied. The courts of Dewanny Adawlut are, upon complaint made to them, to punish any distrainer who may act contrary to this Regulation, by awarding against him, in favour of the party injured, damages according to the circumstances of the case, with all costs of suit.

Penalty.

Property distrained not to be taken out of the pergunnah.

XII. Distrainers shall not drive or convey distrained cattle, or other property, out of the limits of the pergunnah in which it may have been attached. The distrainer shall either leave the property upon the premises in the charge of any person he may think proper, or drive or convey it with due care to a proper place, as near as possible to the premises within the limits of the pergunnah.

Where to be kept.

Distrained crops and ungathered products of the earth when to be reaped or gathered, and where to be stored.

XIII. Distrainers who shall attach the crops or any ungathered products of the earth belonging to their under-farmers, Ryots, or the Talookdars paying revenue through them, shall cause such crops or products to be reaped or gathered in due season, and store the same in proper houses, barns, or granaries upon the premises, or if there shall be no such places on the premises, in any barn or proper place which can be procured as near thereto as possible within the limits of the pergunnah. The expense of reaping or gathering and storing such crops or products shall be paid by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

Distrained cattle not to be worked, nor goods or effects used. Distrainers to provide food for cattle or live stock. Expense how to be defrayed.

XIV. Distrainers shall not work the bullocks or cattle, or make use of the goods or effects distrained. They shall provide the necessary food for the cattle or live stock, the expense attending which shall be paid by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

Penalty for distrainers neglecting to take due care of the property distrained.

XV. If property distrained shall be stolen or lost, or be damaged, injured, or destroyed by the weather or otherwise, whilst in the possession of the distrainer, owing to his not having taken the necessary precautions for the due keeping and preservation of it, he shall make good the loss or damage to the owner.

XVI. The distress levied shall not be excessive; or, in other words, the property seized shall be as nearly as possible proportionate to the amount of the arrear. If any person vested with the power of distraint shall attach any property the value of which shall be disproportionate to the arrear, and it shall be proved that he could have seized other property of less value, and which would have been sufficient for the liquidation of such arrear, the court of Dewanny Adawlut shall award to the owner damages according to the circumstances of the case, with all costs of suit.

Distress to be proportionate to the arrear.

Penalty for excessive distress.

XVII. All attachments shall be made after sunrise and before sunset. If any person vested with the power of distraint shall seize, or attempt to seize, the property of any defaulter after sunset and before sunrise for the discharge of arrears of rent or revenue, such distrainer shall not be entitled to recover the arrear, and if the property shall have been attached, shall be compelled to restore it to the defaulter, or the value of it if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, with all costs of suit.

Distress to be levied between sunrise and sunset.

Penalty for attaching property after sunset and before sunrise.

XVIII. If any under-farmer, Ryot, or dependent Talookdar, shall make a fraudulent conveyance or transfer of his property to prevent the attachment of it for arrears, the court of Dewanny Adawlut, upon proof thereof being made before it, shall cause the property to be delivered up to the distrainer, and compel the person to whom such transfer or conveyance shall have been made to pay to the distrainer damages adequate to the value of one-half of the property, with costs of suit.

Transfer of a defaulter's property to prevent distraint invalid.

Penalty for persons to whom such transfers may be made.

XIX. If any under-farmer, Ryot, or dependent Talookdar, shall resist the attachment of his property, or shall forcibly or clandestinely take it away after it shall have been attached, the court of Dewanny Adawlut shall cause him, and all persons who may be proved to have been his aiders or abettors, to be imprisoned in the gaol until he shall restore the property to the distrainer, or the arrear shall have been liquidated by the distraint and sale of other property, or otherwise discharged, with the expenses attending the attachment and costs of suit.

Punishment for under-farmers, &c. resisting an attachment, or forcibly or clandestinely taking away their property after it has been attached.

XX. If any person, not being the owner, shall be convicted of forcibly or clandestinely taking away property that has been distrained, the court of Dewanny Adawlut, upon proof thereof being made before it, shall cause such person or persons to be imprisoned until they restore the property, or make good the value of it to the distrainer, and pay to him, as damages, a sum equal to the value of such property and all costs of suit.

Punishment for persons, not being the owners, or forcibly or clandestinely taking away property which has been attached.

XXI. Distrainers are empowered to force open any stable, cow-house, barn, golah, granary, or other building, and to enter any dwelling-house, the outer door of which may be open (excepting the apartments in such dwelling-house which may be appropriated for the zenana or residence of women), and to break open the door of any room in such dwelling-house, for the purpose of attaching any property belonging to a defaulter which may be lodged therein. But nothing contained in this Regulation shall be construed to authorize persons vested with the power of distraint, or their servants or agents, to enter the zenana or apartments of women, whether the doors or passages leading thereto be open or not; not to force open and enter any dwelling-house, the outer door of which may be locked or barred. Persons entering the apartments of

What places distrainers may force open to attach the property of defaulters.

Zenana or women's apartments not to be entered, whether the doors be open or shut.

Dwelling-houses not to be forced open.

Punishment for entering women's apart-women or forcing open dwelling houses.

of women, or forcing open the outer door of any dwelling-house, shall be imprisoned for six months; the distrainer shall not recover the arrear for which the attachment may have been issued, and he shall be compelled to restore to the defaulter any property that may have been attached, or the value of it, if it shall have been sold, damaged, injured, or destoyed, or shall not be forthcoming; and the court shall further award against such distrainer heavy damages, with all costs of suit. And if any person shall enter a dwelling-house, or break open any stable, cow-house, barn, golah, granary, or other building, not occupied by or in the possession of the defaulter, to distrain property belonging to him, and no such property shall be found therein, the distrainer shall be liable to prosecution by the occupant or possessor, for entering such house or breaking open such stable or other building, and the court shall award to him damages according to the circumstances of the case, with all costs of suit.

Penalty for entering any dwelling-house, or breaking open any place not occupied by or in the possession of the defaulter, should no property belonging to him be found therein.

Mode of appraising and selling distrained property.

XXII. After the expiration of the fifth day and before the elapse of the eighth day, calculating from the day following the day on which the attachment of the property of a defaulter shall have taken place, or if the property attached shall consist of crops or other ungathered products of the earth, after the elapse of the fifth day and before the expiration of the eighth day commencing from the day following the day on which such crops or products were stored, as directed in Section XIII., the distrainer shall apply to the Cauzy of the pergunnah to have the same appraised and sold. Upon the receipt of such application, the Cauzy shall immediately fix up in the head cutcherry of the pergunnah a list of the property attached, with a notice of the day on which it will be sold, which shall be the fifteenth day commencing from the day following the day on which the attachment took place, unless the property shall consist of crops or other ungathered products of the earth, in which case the sale shall be made on the fifteenth day calculating from the day following the day on which such crops or products may be stored, as directed in Section XIII. The Cauzy shall nominate two creditable persons, competent by their profession, trade, or occupation, to appraise the property. The persons so appointed shall appraise the property according to the current price which the several articles may then bear in the country, and shall deliver the particulars of the appraisement in writing, and attest the same with their seals and signatures, and shall make oath before the Cauzy that they have appraised the property according to the best of their knowledge and judgment. The Cauzy shall affix his seal to the paper of appraisement, and shall cause it to be stuck up in the cutcherry. The property shall be brought to the cutcherry on the morning of the day of sale, in order that it may be examined by the persons intending to bid; unless it shall consist of grain or other products of the earth, the removal of which would be attended with considerable expense, in which case samples only, indiscriminately taken from each article, shall be brought to the cutcherry and exposed for the purpose abovementioned. The property shall be put up to sale in one lot, or in two or more lots, as the Cauzy may think advisable. The sale shall commence at twelve o'clock in the day, and the property shall be disposed of for the highest price that may be offered for it. If the property shall sell for more than the amount of the arrear, the overplus, after deducting the charges attending the attachment

Surplus of the proceeds of property selling for more than ment and sale of it, shall be returned to the defaulter. If the proceeds of the sale shall be insufficient for the discharge of the arrear and the expenses attending the attachment and sale, the distrainer shall be at liberty to attach other property belonging to the defaulter, and to cause it to be sold to make good the deficiency. The Cauzy is, in every case, to examine the distrainer's statement of the expenses consequent to the attachment and sale of the property, and to reject any part of it that may appear to him unreasonable. If any person vested with the power of distraint shall sell or dispose of property which he may have attached for arrears of rent or revenue, in any other mode than that prescribed in this section, he shall forfeit the arrear for which the distress may be levied to the defaulter, and make good to him the value of the property sold or disposed of, with all costs of suit.

than the arrear and expenses how to be appropriated.

Cauzy to adjust the expenses of the sale and attachment. Penalty for disposing of property except as herein authorized.

XXIII. The Cauzy is to be careful to prevent any unfair practices, either in the appraisement or sale of property. Upon proof being made before the court of Dewanny Adawlut of the zillah of his conniving at any such practices, the court shall cause him to make good any loss or injury that the defaulter may have thereby sustained, with costs of suit, and shall immediately report the circumstances of the case to the Sudder Dewanny Adawlut, for the information of the Governor General in Council, who, provided there shall appear to him sufficient reason for so doing, shall dismiss such Cauzy from his office.

Punishment for Cauzies conniving at unfair practices in the appraisement or sale of property.

XXIV. The distrainer, the Cauzy, and the appraisers, are prohibited purchasing, directly or indirectly, any part of the property. Any Cauzy or appraiser offending against this prohibition, shall be compelled to restore the property to the defaulter, or the full value of it in the event of its being injured, damaged, destroyed or not forthcoming, and shall forfeit the purchase-money, which shall be appropriated to the liquidation of the arrear, and pay all costs of suit; and the court shall report the circumstances to the Sudder Dewanny Adawlut, for the information of the Governor General in Council, who, if there shall appear to him sufficient ground for so doing, shall dismiss such Cauzy from his office. Distrainers acting contrary to the prohibition contained in this section shall be compelled to restore the property to the defaulter, or the full value of it if it shall have been injured, damaged, or destroyed, or shall not be forthcoming, and shall likewise forfeit to him the arrear for which the property may have been attached, and pay all costs of suit.

Distrainer, Cauzy, and appraisers, not to purchase the property.

Penalty.

XXV. Neither the defaulter, nor any person on his behalf, shall be permitted to bid for or purchase the property.

Defaulters not to bid for or purchase their property.

XXVI. The property shall be paid for within five days after the sale, and the purchaser shall not be permitted to carry away any part of it which shall not have been paid for. Should the purchaser fail in the payment of the whole or part of the purchase-money by the limited period, the whole of the property, or the part of it which may be unpaid for, shall be resold by the Cauzy, on such day as he shall fix, for whatever it may fetch. The defaulting purchaser shall forfeit to the distrainer fifteen per cent. on the amount of the price for which he purchased the property so resold, and make good to him

Property sold when to be paid for.

Penalty in case of non-payment of the purchase-money.

any loss that may arise on the resale. If any profit shall accrue on the resale, it shall be carried to the credit of the defaulter.

Persons who, under the names of sureties, farm or tenant lands in the names of others, to be considered the actual Ryots or farmers of such lands.

XXVII. Persons who tenant or underfarm lands in the name of their children, dependents, or others, or in the names of fictitious persons, and give themselves as the ostensible sureties for the performance of the agreement but retain the actual management of the lands, and in fact are themselves the under-farmers or Ryots of such lands, shall, to all intents and purposes, be considered as the under-farmers or Ryots of such lands, and their property shall be liable to be distrained and sold for arrears, under this Regulation, in the same manner as if the engagement for the lands had stood in their own names.

Landholders and farmers prohibited confining or inflicting corporal punishment on defaulters or their sureties.

XXVIII. Landholders and farmers of land are prohibited confining or inflicting corporal punishment on any under-farmer, Ryot, or dependent Talookdar, or their sureties, to enforce payment of arrears of rent or revenue. If any landholder or farmer shall offend against this prohibition, the person so punished or confined shall be at liberty either to prosecute the offender for assault or imprisonment in the criminal court, or to institute a suit against him in the Dewanny Adawlut of the zillah, which court shall award damages against such offender, according to the circumstances of the case, with costs of suit.

What persons are to perform the duties assigned to the Cauzy, in the event of his absence, or of there being no such officer stationed in the pergunnah.

XXIX. In the event of the absence of the Cauzy, or of there being no such officer stationed in the pergunnah, the Tehseeldar, or in case of his absence or of there being no such officer in the pergunnah, then such person as the Judge of the Dewanny Adawlut of the zillah shall think proper to vest with authority for that purpose, may and shall respectively do all such acts as the Cauzy is authorized or directed to perform by this Regulation, and under the like restrictions and penalties as far as the latter can be inflicted.

Heirs and successors of landholders and farmers to distrain for arrears due to the deceased, if entitled thereto.

XXX. Upon the death of any person vested with the power of distraint by this Regulation, his heirs or successors, who may be entitled to the arrears due to him, shall be at liberty to distrain the property of the defaulters and their sureties, in the cases authorized, for the recovery of the same, agreeably to this Regulation. It is to be understood, likewise, that managers of the estates of disqualified landholders, and managers of undivided estates belonging to two or more proprietors, all of whom do not come within the description of disqualified landholders, are authorized to exercise the same powers for the recovery of arrears of rent or revenue, as the proprietors of the estates committed to their charge would be entitled to exercise under this Regulation, were they to be entrusted with the management of their own estates, subject however to the several rules, restrictions, and penalties therein specified.

Managers of estates of disqualified landholders, and managers of undivided estates, vested with the power of distraint.

Explanatory rule respecting defaulters employed in the provision of the investment or the manufacture of salt.

XXXI. The several descriptions of landholders and farmers of land specified in Section II., are empowered, under the restrictions contained in this Regulation, to attach and sell the property of persons employed in the provision of the Company's investment or the manufacture of salt, for the recovery of arrears of rent or revenue, without previously stating the claim to the Company's Commercial representative, or to any Salt Agent or other officer, employed in the Salt department. But such distrainers shall, within three days calculating from the day following the day of the attachment after they shall have attached the property of any weaver or Molungee, or other person employed in the provision of the Company's investment or the manufacture of salt, send information of such attachment, in writing, to the Commercial Resident or Salt Agent, or the nearest Commercial factory or Salt cutcherry, that the Commercial Resident or Salt Agent may satisfy the demand previous to the time fixed for the sale of the property, or cause such steps to be taken in behalf of the defaulter as may be consistent with this Regulation.

Principals responsible for the acts of their agents.

XXXII. If any Gomastah, agent, servant, or officer of any person vested with the power of distraint, shall attach or cause to be sold the property of any under-farmer, Ryot, or dependent Talookdar, or their sureties, or do any act in the attachment or sale of it contrary to this Regulation, the party aggrieved shall have his remedy against the principal of the offender for such illegal attachment, sale, or act, whether the same took place or was done by the orders or with the knowledge of such principal or not. Provided that nothing contained in this section shall extend to subject a distrainer to imprisonment, in the event of any person deputed by him to attach property entering the Zenana or apartments of women, or breaking open a dwelling-house, in opposition to the prohibition contained in Section XXI.; unless it shall be proved that such acts were done by the order, or with the consent or knowledge of such distrainer.

Persons deeming themselves injured by the distraint and sale of their property may seek redress in the Dewanny Adawlut.

Persons vested with the powers of distraint to have the option of prosecuting in the Dewanny Adawlut for arrears.

XXXIII. Nothing contained in this Regulation shall be construed to prohibit persons whose property may have been distrained or sold from instituting a suit in the court of Dewanny Adawlut of the zillah against the distrainer for any injury which they may think they have hereby sustained. Nor to prevent the several descriptions of landholders or farmers of land, or other persons vested with the power of distraint, from prosecuting in the court of Dewanny Adawlut of the zillah for arrears due to them from any under-farmer, Ryot, or dependent Talookdar, or their sureties, should they prefer the last-mentioned mode of procedure to distraining and selling the personal property of the defaulter, or, in the cases authorized, of his surety, for the recovery of the arrears under this Regulation.

Suits instituted under this Regulation to be tried in preference to all other suits.

XXXIV. All suits that may be instituted under this Regulation are to be heard and determined previous to any other suits which may be depending.

A.D. 1793. REGULATION XVIII.

A Regulation *for preserving complete the Records of the Civil and Criminal Courts of Judicature, and requiring the Zillah and City Courts to transmit monthly Reports of the Suits decided by them to the Provincial Courts of Appeal; and directing the Provincial Courts of Appeal to submit monthly Reports of the Appeals and Causes decided by them to the Sudder Dewanny Adawlut*:—Passed *by the Governor General in Council on the* 1st *May* 1793 *(corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree).*

I. To obviate injuries arising to public or private rights or property, by the loss, destruction, or removal of the records of the courts of judicature; and with a view to facilitate reference to them, and that the provincial courts of appeal may have in their possession a record of the number and nature of the causes filed and decided in the zillah and city courts, and the time they may have been depending, and the substance of the decision respecting them; and that the Sudder Dewanny Adawlut may possess similar information with regard to suits filed both in the zillah and city courts and the provincial courts of appeal, and that the Honourable Court of Directors may be apprized of the decisions of the Sudder Dewanny Adawlut, the following rules have been enacted.

Two native keepers of the records to be appointed, to keep the records of the civil and criminal courts.

II. Two native keepers of the records shall be appointed, to keep the Dewanny Adawlut and Foujdarry records in each zillah, and in each of the cities of Patna, Dacca, and Moorshedabad, and in each of the provincial courts of appeal and courts of circuit, and in the Sudder Dewanny Adawlut and the Nizamut Adawlut.

To hold their offices during their good behaviour, and to be removable only by the Governor General in Council.

III. The keepers of the records shall not be removed from their offices but for misconduct, proved to the satisfaction of the Governor General in Council, notwithstanding any thing that may be said to the contrary in any Regulation passed on this date. The offices, however, are declared not to be hereditary.

To keep a list of the records in a book, paged and attested as herein directed.

IV. The keepers of the records are to keep a register, in the Persian and Bengal languages in Bengal and Orissa, and in the Persian language in Behar, of all the Dewanny and Foujdarry proceedings, documents, and other records belonging to the courts to which they may respectively be attached, in a book, each leaf of which shall be attested by the official signature of the Register, and Assistant to the Judges and Magistrates of the zillahs and cities, and the Registers to the provincial courts of appeal and the courts of circuit, and the Sudder Dewanny Adawlut and the Nizamut Adawlut, and on the last leaf of which they shall specify, in their own hand-writing, the number of pages contained in the book. The existing records are to be first registered, and the keepers of the records are to prepare a list of them immediately upon the receipt of this Regulation.

Number of the page in which papers are registered to be endorsed on the back of them.

V. The keepers of the records are to endorse upon the back of every paper or document which they may enter in the register, the number of the page in which it may be registered, and the endorsement is to be attested with the official signature of both or either of them.

Keepers of the records to be careful that papers are not destroyed by damp or otherwise.

VI. It shall be the duty of the keepers of the records to see that the records of the court are not destroyed by insects, damp, or otherwise, and that they are not removed without the orders of the court.

To be liable to dismission if papers are destroyed by their neglect, or shall not be forthcoming, and they shall not be able to give a satisfactory account of them.

VII. If any records entered in the register shall be destroyed, in consequence of the neglect or any omission of the keepers of the records, or if any such records shall not be forthcoming, and they shall not be able to give a satisfactory account of them, they shall be liable to dismission from their offices.

To observe any rules prescribed to them by any Regulation printed and published in the manner directed by Regulation XLI. 1793.

VIII. The keepers of the records are to be careful to attend to any rules or orders respecting the duties of their office, that may be prescribed to them by any Regulation printed and published in the manner directed by Regulation XLI. 1793, and also to any directions that may be given to them by the court to which they may be attached, or the register thereof, for the better keeping, preserving, or registering the records.

Book of daily proceedings to be kept in each zillah and city court.

Entries to be made in it.

IX. The courts of Dewanny Adawlut established in the several zillahs, and at the cities of Patna, Dacca, and Moorshedabad, are to keep a book in which the daily proceedings in each cause, and every order or act of the court, are to be minuted in the Persian or Bengal language, in Bengal and Orissa, or in the Persian language, or the Hindoostanee language and Nagree character in Behar, and attested with the signature of the Judge. The plaint, answer, reply, and rejoinder of the parties, and every deposition, exhibit, and paper whatever, read and filed in each cause, is to be minuted and referred to in this book, by marks or numbers, corresponding to marks or numbers to be endorsed on each document when it may be read in the cause.

A separate and complete record of each cause to be kept in the form herein prescribed.

X. Complete records, also, numbered in the order in which the causes may be tried, are to be kept in each zillah and city court, in the following form, viz. Upon the decision of a cause, the plaint, answer, reply, and rejoinder, and all the pleadings, allegations, acts, and defaults of the parties, depositions of the witnesses, exhibits, and all other evidence, all orders of the court, and the returns thereto in the order in which they may be made, the decree, the order for the execution of it, and the return, specifying how the decree has been executed, and all proceedings whatsoever, are to be written on a roll of strong paper, in the language in which the petition, answer, or other pleadings, depositions, or exhibits, respectively, may have been originally made. But every act and order of the court is to be uniformly entered in the Persian or Bengal language, in Bengal or Orissa, and in the Persian language, or in the Hindostanee language and the Nagree character, in Behar; and where depositions or exhibits shall be in any other language than the Persian or Bengal language in Bengal or Orissa, or the Persian language, or the Hindoostanee language and Nagree character, in Behar, they are to be entered in the language in which they may be made or written, together with faithful translates in the Persian or Bengal language, in Bengal or Orissa, and in the Persian language, or the Hindoostanee language and Nagree character, in Behar. This record is to be authenticated by the seal of the court and the signature of the Judge, and to be countersigned by the Serishtadar, or other head native officer of the court. The record is to be kept in this form by the Register amongst the muniments of the court, and it shall be and remain a record of the court; and a copy of it, authenticated by the seal of the court and the signature of the Judge, and countersigned by the Serishtadar or head native ministerial officer of the court, is to be deemed and received as good evidence of such record in any court of judicature.

How the record is to be authenticated.

Monthly abstract register to be kept by the judges of the zillah and city courts.

XI. The Judge of each zillah and city court is to keep a monthly abstract register, in the English language, of causes decided, drawn out in the following form, on paper of the size which the Sudder Dewanny Adawlut may prescribe. One copy of the register for each month is to be despatched by the fifteenth of the following month to the Sudder Dewanny Adawlut, and another copy is to be forwarded by the same period to the provincial court of appeal of the division in which the zillah or city court may be situated.

ABSTRACT REGISTER *of Causes decided in the Dewanny Adawlut of the Zillah or City of ...., in the Month of .... 179...*

No. of the Register.	Names of the Parties.	Substance of the Suit.	The Decree.	Date on which the Suit was filed in the zillah or city court.	Date of the Decree.
1	Gopremohun Poddar *versus* Radakaunt Roy.	For the recovery of a debt of 100 rupees, on bond, with interest.	Decreed to plaintiff 100 rupees principal, 20 rupees interest, and 10 rupees costs.	1st May 1793.	10th July.
2	Ramnarain Ghose *versus* Bowannychurn Mitre.	For the recovery of 50 rupees, the value of a boat.	Dismissed, plaintiff having filed a razenamah.	10th ditto.	15th ditto.
3	Chucka Ram *versus* Sam Poddar.	For the recovery of one-half of a talook, annual produce 500 rupees.	Ditto.	10th ditto.	16th ditto.
4	Mahomed Ally *versus* Sook Doll	For 600 rupees, a balance of rent.	Dismissed, with 100 rupees costs to defendant.	20th ditto.	30th ditto.

XII. On the 1st of January and the 1st of July in each year, the Judges of the zillah and city courts are to transmit to the provincial court of appeal of the division, and to the Sudder Dewanny Adawlut, a report of all causes remaining undecided in the court. The report is to be drawn out in the following form, on paper of the size which the Sudder Dewanny Adawlut may prescribe.

Half-yearly report of undecided causes to be sent by the zillah and city courts to the provincial courts of appeal and the Sudder Dewanny Adawlut.

REPORT *of Causes depending in the Dewanny Adawlut of the Zillah (or City) of* ……………, *on the* 1*st January or* (1*st July*) 179..

No. of the Register.	Names of the Parties.	Substance of the Suit.	Date on which the Suit was filed.	Remarks.
10	Ramnarain Ghose *versus* Bhowanny Churn Mitre.	For the recovery of 50 rupees, the value of a boat.	1st May 1793.	When any suits are entered in a half-yearly report which have been inserted in any preceding half-yearly report, the Judge is to state in this column the cause of such suits remaining undecided.

XIII. The provincial courts of appeal are to keep a book of daily proceedings, similar to that which the Judges of the zillah and city courts are required to keep in Section IX.; with this difference, that the entries in the book are to be attested by the Register instead of the Judges of the court.

Provincial courts of appeal to keep a book of proceedings, similar to that which the Judges are directed to keep in Section IX., to be attested by the Register and not by the Judges.

XIV. The provincial courts of appeal are to keep a separate and complete record of causes which may be referred to them by the Governor General in Council or the Sudder Dewanny Adawlut, for trial in the first instance, and also of their proceedings in appeals from the decisions of the zillah or city courts, similar to the record required to be kept by the zillah and city courts, in Section X.

Provincial courts also to keep a separate record of all causes and appeals tried by them.

XV. The

Monthly abstract register to be kept by the provincial courts of appeal.

XV. The provincial courts of appeal are required to keep a monthly abstract register, in the English language, of causes or appeals decided by them, drawn out in the following form, on paper of the size which may be prescribed by the Sudder Dewanny Adawlut. The register for each month is to be despatched to the Sudder Dewanny Adawlut by the fifteenth of the following month.

ABSTRACT REGISTER *of Causes and Appeals decided by the Provincial Court of Appeal for the Division of* ………………, *in the Month of* ………………, 179…

Number of the Register in the zillah or city court.	Number of the Register in the provincial court.	Names of the Parties.	Substance of the original Suit.	To whom and what decreed by the zillah or city court.	From what court appealed.	The decree of the provincial court.	Date on which the appeal was filed in the provincial court.	Date of the decree of the provincial court.
589	1	Guddadar Nundy, appellant, *versus* Hurrinarain, respondent,	For the recovery of a debt of 100 rupees on bond with interest.	Rupees 100 to Hurrinarain.	Sylhet.	Confirmed the decree of the zillah court, with 20 rupees costs to respondent.	10th June 1793.	20th July.
640	2	Ramdulall Ghose, appellant, *versus* Gowry Churn, respondent,	For the recovery of 50 rupees, the value of a boat.	Rupees 25 decreed to Gowry Churn.	City of Dacca.	Reversed the decree of the city court, with 10 rupees costs to appellant.	15th June 1793.	24th ditto.
720	3	Shebuck Ram, appellant, *versus* Buddinaut Surmah, respondent,	For the recovery of one-half of the village Rampore, annual produce 250 rupees.	Buddinaut, half of the village Rampore, with 60 rupees costs of suit.	Momensing.	Dismissed, the parties having filed razenamahs.	16th June 1793.	29th ditto.

XVI. On

Half-yearly report of undecided causes to be transmitted by the provincial courts of appeal to the Sudder Dewanny Adawlut.

XVI. On the 1st of January and the 1st of July in each year, the provincial courts of appeal are to transmit to the Sudder Dewanny Adawlut a register of all the causes or appeals remaining undecided in the court. The register is to be drawn out in the following form, on paper of the size which the Sudder Dewanny Adawlut may prescribe.

REPORT *of Causes and Appeals depending in the Provincial Court of Appeal for the Division of ...., on the* 1*st of January (or* 1*st of July)* 179...

Number of the Register.	Names of the Parties.	Substance of the Cause or Appeal.	Date on which the Cause or Appeal was filed.	Remarks.
10	Bhowanny Churn Mitre, *versus* Ramnarain.	For the recovery of 50 rupees, the value of a boat.	16th May 1793.	When any causes or appeals which have been inserted in a half-yearly report are re-entered in another half-yearly report, the Judges are to state in this column the reason of such causes or appeals remaining undecided.

Sudder Dewanny Adawlut to keep proceedings and separate records of causes, as prescribed to the provincial courts in Sections XIII. and XIV.

XVII. The Sudder Dewanny Adawlut is to keep a book of daily proceedings, and a separate record of the appeals or causes which may be decided by them, in the same manner as is prescribed to the provincial courts of appeal in Sections XIII. and XIV.

Sudder Dewanny Adawlut to submit to the Governor General in Council, for the Court of Directors, a half-yearly abstract of causes decided by them.

XVIII. On the 1st of January and the 1st of July in each year, the Sudder Dewanny Adawlut is to transmit to the Governor General in Council, to be forwarded to the Honourable the Court of Directors, an abstract register of the causes decided by the court during the preceding six months, drawn out in the following form.

ABSTRACT *of Decrees passed by the Court of Sudder Dewanny Adawlut, from the 1st of January to the 30th of June (or from the 1st of July to the 31st of December) 179...*

No.	Names of the Parties.	Subject of the Appeal.	Decree by the provincial court of appeal of what division passed.	Decree of the Sudder Dewanny Adawlut.	Date on which the appeal was filed in the Sudder Dewanny Adawlut.	Date of the decree of the Sudder Dewanny Adawlut.
	Ram Rutton, appellant, *versus* Abhay Churn, respondent,	The right to the zemindarry of Sultanpore Khurroree, in the zillah of Jessore, annual produce Rupees 10,000, decreed to respondent.	Calcutta.	Confirmed the decree of the provincial court, with 100 rupees costs to respondent.	24th December 1793.	17th January 1794.
2	Bhowanny Pershaud, appellant, *versus* Nilkaunt, respondent,	The right to certain land exempted from the payment of revenue in the villages of Ramgur and Pertaubpore, in the zillah of Shahabad, annual produce Rupees 1,100, decreed to respondent.	Patna.	Confirmed the decree of the provincial court, with 50 rupees costs to respondent.	20th January 1794.	17th March 1794.
3	Ram Hurry, appellant, *versus* Gourchund, respondent,	The proprietary right in the talook of Futtypore, in the pergunnah of Balwah, in the zillah of Dacca, annual produce rupees 5,000, decreed to respondent.	Dacca.	Confirmed the decree of the provincial court, with 400 rupees costs to respondent.	28th January 1794.	20th April 1794.
4	Mahomed Eslam, appellant, *versus* Bishenaut, respondent,	For 2,000 rupees, a balance of rent of land in Lushkerpore, in the zillah of Rajeshahy, decreed to respondent.	Moorshedabad.	Reversed the decree of the provincial court, with 200 rupees costs to appellant.	10th February 1794.	31st May 1794.

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A. D. 1793. REGULATION XIX.

A REGULATION *for re-enacting, with Modifications, the Rules passed by the Governor General in Council on the 1st December 1790, for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the Payment of Revenue to Government, under Grants not being of the Description of those termed Badshahee or Royal; and for determining the Amount of the annual Assessment to be imposed on Lands so held, which may be adjudged or become liable to the payment of public Revenue:* PASSED *by the Governor General in Council on the 1st May 1793 (corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree).*

I. BY the ancient law of the country, the ruling power is entitled to a certain proportion of the produce of every begah of land (demandable in money or kind, according to local custom), unless it transfers its right thereto for a term or in perpetuity, or limits the public demand upon the whole of the lands belonging to an individual, leaving him to appropriate to his own use the difference between the value of such proportion of the produce and the sum payable to the public, whilst he continues to discharge the latter. As a necessary consequence of this law, if a Zemindar made a grant of any part of his lands to be held exempt from the payment of revenue, it was considered void, from being an alienation of the dues of Government without its sanction. Had the validity of such grants been admitted, it is obvious that the revenue of Government would have been liable to gradual diminution. Previous, however, to the Company's accession to the dewanny, numerous grants of this description were made, not only by the Zemindars but by the officers of Government appointed to the temporary superintendence of the collection of the revenue, under the pretext that the produce of the lands was to be applied to religious or charitable uses. Of these grants some were applied to the purposes for which they were professed to have been made, but, in general, they were given for the personal advantage of the grantee, or with a view to the clandestine appropriation of the produce to the use of the granter, or sold to supply his private exigencies. In conformity to the principles which prevailed under the native administration, the British Government have at various times declared all grants for holding land exempt from the payment of revenue, made since the date of the Company's accession to the dewanny, without their sanction, illegal and void. Their lenity, however, induced them to adopt it as a principle, that grants of this description made previous to the date of the dewanny, and provided the grantees had obtained possession, should be held valid to the extent of the intentions of the grantor, as ascertainable from the terms of the writings by which the grants might have been made, or from their nature and denomination. But no complete register of these exempted lands having been formed upon the Company's accession to the dewanny nor subsequent to that period, many Zemindars, as well as the temporary farmers of the public revenue, and the officers of Government to whom the collection of the revenue in the different districts has been occasionally committed, in consequence of the Zemindars refusing to pay the revenue demanded of them, have availed themselves of the above-mentioned rule of limitation, to make grants of extensive tracts of land to others, or in the names of their relations or dependents, for their own use, dating the deeds for these alienations previous to the Company's accession to the dewanny, or procuring them to be registered in the zemindarry records as having been alienated prior to that period: Others have made such alienations without antedating the grants, and left it to the grantee to maintain himself in possession by such means as circumstances might afford, in the event of his title being brought into question. The Governor General in Council deeming it incumbent on him to recover the public dues thus alienated in opposition to the ancient and existing laws of the country, as well as to resume the revenue of all lands the grants for which might expire; and as the proprietors of estates were not entitled to collect such of the public dues from the lands included in their estates as Government had judged it advisable to transfer to individuals, or to resume those which had been alienated by themselves or others, the amount, in both cases, being excluded from the assets on which the settlement was to be concluded, it was made a rule at the time of forming the decennial settlement, and which has been re-enacted by Section XXXVI., Regulation VIII. 1793, that the jumma assessed upon the estates of individuals was to be considered as *exclusive and independent of all existing lakheraje lands, whether exempted from the kheraje or public revenue, with or without due authority*; and by the third clause of the seventh article of the Proclamation contained in Regulation I. 1793, which specifies the conditions under which Government declared the decennial settlement permanent, it is expressly stipulated, *that the Governor General in Council will impose such assessment as he may deem equitable on all lands at present alienated and paying no public revenue, which have been or may be proved to be held under illegal or invalid titles.* The Governor General in Council, however, at the same time that he is desirous of recovering the public dues from lands which have been illegally alienated, is equally solicitous that persons holding such grants under titles that are declared valid, should be secured in the possession and enjoyment of their property. It is, likewise, his wish that the recovery of the dues of Government from those lands which have been illegally alienated previous to the 1st December 1790, should be attended with as little distress as possible to the possessors; and to obviate all injustice or extortion in the inquiry into the titles of persons holding exempted lands, he has further resolved that the claims of the public on their lands (provided they register the grants as required in this Regulation) shall be tried in the courts of judicature, that no such exempted lands may be subjected to the payment of revenue, until the titles of the proprietor shall have been adjudged invalid by a final judicial decree. Upon the above grounds, and with a view to facilitate the recovery of the public dues from lands held exempted under invalid grants, as well as to prevent any similar alienations being hereafter made, to the prejudice of the security of the public revenue which has been assessed in perpetuity upon the estates of individuals; and further, that Government and the officers employed in the collection of the public revenue may at all times have in their possession a correct register of the lands in the several zillahs held exempt from the payment of revenue, the following rules, containing the rules passed on the 1st December 1790, with modifications, have been enacted.

II. *First.* All grants for holding land exempt from the payment of revenue, made previous to the 12th August 1765, the date of the Company's accession to the dewanny, by whatever authority, and whether by a writing or without a writing, shall be deemed valid, provided the grantee, actually and *bonâ fide*, obtained possession of the land so granted previous to the date above-mentioned, and the land shall not have been subsequently rendered subject to the payment of revenue by the officers or the orders of Government. If it shall be proved, to the satisfaction of the court, that the grantee did not obtain possession of the land so granted previous to the 12th August 1765, or that he did obtain possession of it prior to that date, but that it has been since subjected to the payment of revenue by the officers or the orders of Government, the grant shall not be deemed valid.

Grants of alienated land made previous to the 12th August 1765 declared valid, provided the grantee obtained possession before that date, and has since held possession without paying revenue.

Grants made before the dewanny of no validity, if possession was not obtained prior thereto, or the lands have been since subjected to the payment of revenue.

Second. In the event, however, of a claim being preferred by any person to hold land exempt from the payment of revenue, under a grant made previous to the date of the Company's accession to the dewanny, and of it being proved, to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed, that the grantee held the land exempt from the payment of revenue previous to that date, but that it was subjected to the payment of revenue posterior thereto by an officer of Government, and the court shall entertain doubts as to the competency of such officer, under the powers vested in him, to subject the lands to the payment of revenue, the court shall suspend its judgment and report the circumstances to the Governor General in Council, to whom a power is reserved of determining whether such officer was or was not competent to subject the land to the payment of revenue; and upon receiving the determination of the Governor General in Council, the court is to decide accordingly. No such claim, however, to hold exempt from the payment of revenue land that may have been subjected to the payment of revenue for the twelve years preceding the date on which the claim may be instituted, shall be heard by any zillah or city court, unless the claimant can show good and sufficient cause for not having preferred the claim to a competent jurisdiction within the twelve years, and proceeded in it, as required by Section XIV. Regulation III., 1793.

Courts to refer to the Governor General in Council, in the event of their entertaining doubts as to the authority of any officer of Government who may have subjected exempted land granted before the dewanny to the payment of revenue.

Claims to hold exempted from revenue, lands that have paid revenue for twelve years, not to be heard.

Exception.

Third. But no part of the two preceding clauses is to be construed to empower the courts to adjudge any person, not being the original grantee, entitled to hold exempt from the payment of revenue land now subject to the payment of revenue, under a grant made previous to the Company's accession to the dewanny, the writing for which may expressly specify it to have been given for the life of the grantee only; or supposing no such specification to have been made in the writing, or the writing not to be forthcoming, or no writing to have been executed, where the grant, from the nature and denomination of it, shall be proved to be a life tenure only, according to the ancient usages of the country.

No persons not being the original grantees, to be entitled to hold exempt from the payment of revenue lands now subject to the payment of revenue, under grants for life made previous to the dewanny.

Fourth. Nor to entitle the heirs of any person now holding land exempt from the payment of public revenue under a grant made previous to the dewanny, to succeed to and hold such land exempt from the payment of revenue upon the demise of the present possessor, where the writing for such grant may expressly specify it to have been given for the life of the grantee

Nor to entitle the heirs of persons now possessing exempted lands under life grants made previous to the dewanny, to hold such lands exempt from the payment of revenue upon the death of the present possessor.

only; or supposing no such specification to have been made in the writing, or the writing not to be forthcoming, or no writing to have been executed, where, from the nature and denomination of the grant, it shall be proved to be a life tenure only, according to the ancient usages of the country. Nor to entitle the heir to any such person to hold the lands exempt from the payment of revenue after his demise, supposing the writing for the grant not to specify whether it was to be considered hereditary or otherwise; unless it shall be proved, to the satisfaction of the court, that the grant, from the nature and denomination of it, is hereditary, according to the ancient usages of the country. But upon the demise of the present possessor of any such grant, which may be adjudged not hereditary under this clause, if it shall appear that one or more successions, in virtue of whatever right, shall have taken place before the date of the dewanny, the lands shall not be subjected to the payment of revenue under the decree without the sanction of the Governor General in Council, to whom a copy of the proceedings and decree of the court is to be transmitted, and to whom is reserved a power of declaring the lands subject to the payment of revenue or not, as may appear to him proper.

Power reserved to the Governor General in Council of determining whether life grants, in which one or more successions of whatever nature may have taken place prior to the date of the dewanny, shall be subjected to the payment of revenue or not, on the death of the present possessor.

The present possessors of such life grants prohibited from transferring them, or mortgaging the revenue of them beyond their own lives.

Fifth. The present possessors of lands now exempt from the payment of revenue, under such life grants made previous to the dewanny and declared by the preceding clause not to be hereditary, are prohibited from selling, or otherwise transferring them, or mortgaging the revenue of them for a longer period than their own lives, and all such transfers and mortgages are declared illegal and void. It is to be understood, however, that if any such life grants shall have been confirmed as hereditary tenures by Government, or by the officers of Government empowered so to confirm them, they are not to be liable to the payment of revenue on the death of the present possessor, and are to be excepted from the other rules contained in this and the preceding clause. If doubts shall arise in any court as to the competency of the authority of any officer of Government to confirm any such life grant as hereditary, the court is to suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining finally, whether such officer possessed competent authority to confirm the grant as hereditary or not, and the court, upon receiving the determination of the Governor General in Council, is to decide accordingly.

Such life grants, if confirmed by government or its officers, not to be subject to the payment of revenue on the death of the present possessor.

All grants made or confirmed since the dewanny, excepting by the authority of government, or its officers duly empowered, declared invalid.

III. *First.* All grants for holding land exempt from the payment of revenue, which may have been made since the 12th August 1765 and previous to the 1st December 1790, corresponding with the 18th Aughun 1197 Bengal era, the 10th Aughun 1198 Fussily, the 18th Aughun 1198 Willaity, by any other authority than that of Government, and which may not have been confirmed by Government or by any officer empowered to confirm them, are declared invalid.

Courts how to proceed, in the event of their entertaining doubts of the authority of the officer to confirm the grant.

Second. If doubts shall be entertained by any court as to the competency of the authority of any officer to confirm any such grant, the court is to suspend its judgment, and report the circumstances of the case to the Governor General in Council, to whom a power is reserved of determining, finally, whether the officer possessed competent authority to confirm the grant, or otherwise, and the court, upon receiving the determination of the Governor General in Council, shall decide accordingly.

Exception to the rule in Clause First, in favour of the grants herein specified made by the chiefs of the provincial councils,

Third. The rule contained in Clause First is not to be considered to extend to authorize the subjecting to the payment of revenue land held exempt from the payment of it under grants made previous to the commencement of the Bengal year 1178, or the Fussily or Willaity year 1179 (according as the land may be situated in Bengal, Behar, or Orissa), under the signature of the chiefs of the late provincial councils and the seals of those councils, agreeably to an authority vested in them by Government for granting land to be held exempt from the payment of revenue, the annual produce of which did not exceed one hundred rupees.

and also of lands, not exceeding ten begahs, granted before the dates herein specified, which are appropriated to religious or charitable purposes.

Fourth. Nor to authorize the subjecting to the payment of revenue, any land, the grants for which, whether for the life of the grantee or otherwise, were made previous to the commencement of the Bengal year 1178, or the Fussily or Willaity year 1179 (according as the land may be situated in Bengal, Behar, or Orissa), where the quantity of land granted shall not exceed ten begahs, and the produce of it is *bonâ fide* appropriated as an endowment on temples, or to the maintenance of Brahmins, or other religious or charitable purposes. The rule in this clause is declared to extend, also, to all grants of land whatever, not exceeding ten begahs, made previous to the dewanny, the produce of which may be now so appropriated.

Questions regarding the proprietary right in lands alienated before the 1st December 1790, and adjudged liable to the payment of revenue, to be determined in the Dewanny Adawlut, this Regulation with respect to such lands relating only to the revenue.

IV. This Regulation, as far as regards lands alienated previous to the 1st December 1790, respects only the question whether they are liable to the payment of revenue or otherwise. Every dispute or claim regarding the proprietary right in lands alienated previous to that date, and which, in conformity to this Regulation, may become subject to the payment of revenue, is to be considered as a matter of a private nature, to be determined by the courts of Dewanny Adawlut, in the event of any dispute or claim arising respecting it between the grantee and the grantor, or their respective heirs or successors. The grantees, or the present possessors, until dispossessed by a decree of the Dewanny Adawlut, are to be considered as the proprietors of the lands, with the same right of property therein as is declared to be vested in proprietors of estates or dependent talooks (according as the land may exceed or be less than one hundred begahs, as specified in Sections VI., VII., and XXI.), subject to the payment of revenue, and they are to execute engagements for the revenue with which their lands may be declared chargeable, either to Government, or to the proprietor or farmer of the estate in which the lands may be situated, or to the officer of Government (according as the revenue of the estate in which the land may be situated may be payable by the proprietor or a farmer, or collected khas), under the rules for the decennial settlement. If by the decision of the Dewanny Adawlut the proprietary right in the land shall be transferred, the person succeeding thereto is, in like manner, to be responsible for the payment of the revenue assessed or chargeable thereon.

V. By continuing the proprietary right in the land to the grantee or possessor, in the cases specified in the preceding section, instead of dispossessing him of the land altogether, agreeably to former usage, and assessing the land in the mode prescribed in the two following sections, a liberal provision will be left to him. Where the grant may have been made before the Bengal year 1178, or the Fussily or Willaity year 1179, the proprietor will hold his land as an estate paying a fixed revenue of only half the amount assessed on other malguzarry lands in the country; and where the grant may have been made subsequent to the above-mentioned periods, he will hold the land as subject to the payment of the same revenue as other lands assessed with revenue, under the rules for the decennial settlement, as hereafter directed.

To whom the revenue assessed on lands, not exceeding one hundred begahs, alienated before the 1st December 1790, is to belong.

VI. The revenue assessable, under Section IX, on land not exceeding one hundred begahs of the measurement that may prevail in the pergunnah wherein it may be situated, and whether lying in one village, or two or more villages, and that may have been alienated by any one grant made previous to the 1st December 1790, and which may be adjudged or become liable to the payment of revenue, shall belong to the person responsible for the discharge of the revenue of the estate or dependent talook in which the land may be situated, notwithstanding any thing said in Section VIII, Regulation I, 1793; and he shall not be liable to the payment of any additional revenue on account of the assessment which may be chargeable on such lands, during the continuance of the engagement under which he may pay the revenue of such estate or dependent talook, when the land may be so adjudged liable to the payment of revenue. If the estate or dependent talook shall be held khas, when the lands are decreed liable to the payment of revenue, the amount is to be collected by, and paid to whomsoever the rents and revenue of the estate or talook may be payable, until a settlement shall be concluded for the revenue of it, either with the proprietor or a farmer. The land which may be so adjudged subject to the payment of revenue is to be considered as a dependent talook.

The revenue assessable on lands exceeding one hundred begahs, alienated prior to the 1st December 1790, declared to belong to Government.

VII. The revenue assessable, under Section VIII, on land exceeding one hundred begahs of the measurement that may prevail in the pergunnah wherein it may be situated, and whether lying in one village, or two or more villages, and alienated by any one grant made previous to the 1st December 1790, and which may be adjudged or become liable to the payment of revenue, is declared to belong to Government. The lands specified in this section which may be adjudged liable to the payment of revenue are to be considered as independent talooks.

Rules for fixing the assessment on the lands specified in Section VII.

VIII. *First.* The amount of the revenue payable from the lands specified in Section VII. is to be adjusted according to the following rules.

If the grant shall have been made previous to the Bengal year 1178, or the Fussily or Willaity year 1179.

Second. If the grant shall have been made previous to the Bengal year 1178, or the Fussily or Willaity year 1179 (according as the lands may be situated in Bengal, Behar, or Orissa), the revenue to be paid to Government shall be equal to one-half of the annual produce of the land, calculating according to the rates at which other lands in the pergunnah of a similar description may be assessed. If any part of the land shall be uncultivated, the proprietor is to be required to bring it into cultivation, and to pay such russud or progressive increase, to be regulated with a reference to the reduced rate of the assessment on the cultivated land, as the Board of Revenue, with the sanction of the Governor General in Council, may deem reasonable. The produce of the land shall be ascertained by a survey and measurement, one-half of the expense attending which is to be defrayed by the proprietor, in the event of his agreeing to the jumma required of him, and the other moiety by Government; or by such other mode of investigation as the Collector, with the sanction of the Board of Revenue, may judge advisable. If the proprietor shall refuse to agree to the assessment, the lands are to be let in farm or held khas, under the rules prescribed in Regulation VIII. 1793. If the proprietor shall agree to pay the revenue that may be required of him, the amount shall not be liable to any variation in future, but he, and his heirs and successors, shall hold the lands at such fixed revenue for ever.

If the grant shall have been made subsequent to the Bengal year 1178, or the Fussily or Willaity year 1179.

Third. If the grant shall have been made subsequent to the Bengal year 1178, or the Fussily or Willaity year 1179 (according as the lands may be situated in Bengal, Behar, or Orissa), the revenue or jumma to be paid to Government from the land shall be assessed agreeably to the rules prescribed in Regulation VIII. 1793, for forming the settlement of estates paying revenue to Government, and the produce shall be ascertained, and the expense of the investigation defrayed, in the manner specified with regard to the lands in the preceding clause. If the proprietor shall refuse to agree to the assessment, the lands are to be let in farm or held khas, under the rules for the decennial settlement. If the proprietor shall agree to pay the revenue that may be required of him, the amount shall not be liable to any variation in future, but he, and his heirs and successors, shall hold the land at such fixed revenue for ever.

Rule for fixing the amount of the revenue on the land specified in Section VI.

IX. The rules in the preceding section are to be held applicable to the lands specified in Section VI.; with this difference, that the proprietor, farmer, dependent Talookdar, or officer of Government to whom the revenue may be payable, shall ascertain the produce of the land without subjecting the grantee to any expense, and submit the accounts of it to the Collector, who shall fix the revenue to be paid from the lands in perpetuity, reporting the amount for the confirmation of the Board of Revenue, who are empowered, in cases in which it shall appear to them proper, to increase or reduce the amount. If the proprietor shall agree to pay the revenue required of him, he, and his heirs and successors, shall hold the lands as a dependent talook, subject to the payment of such fixed revenue for ever.

Grants made since the 1st December 1790 declared null and void.

X. All grants for holding land exempt from the payment of revenue, whether exceeding or under one hundred begahs, that have been made since the 1st December 1790, or that may be hereafter made, by any other authority than that of the Governor General in Council, are declared null and void, and no length of possession shall be hereafter considered to give validity to any such grant, either with regard to the property in the soil or the rents of it. And every person who now possesses, or may succeed to the proprietary right in any estate or dependent talook, or who now holds, or may hereafter hold any estate or dependent talook in farm of Government, or of the proprietor, or any other person, and every officer of Government appointed to make the collections from any estate or talook held khas, is authorized and required to collect the rents from such lands at the rates of the pergunnah, and to dispossess the grantee of the proprietary right in the land, and to re-annex it to the estate or talook in which it may be situated, without making previous application to a court of judicature, or sending previous or subsequent notice of the dispossession or annexation to any officer of Government; nor shall any such proprietor, farmer, or dependent Talookdar, be liable to an increase of assessment on account of such grants which he may resume and annul, during the term of the engagements that he may be under for the payment of the revenue of such estate or talook when the grant may be so resumed and annulled.

Managers of estates to exercise, on behalf of the proprietors, the powers vested in proprietors by this section.

The managers of the estates of disqualified proprietors, and of joint undivided estates, are authorized and required to exercise, on behalf of the proprietors, the powers vested in proprietors by this section.

How proprietors and farmers of land, &c. are to recover the revenue payable to them from the lands specified in Section VI.

XI. Proprietors or farmers of land, or dependent Talookdars, who may deem themselves entitled to the revenue of any land of the description of that specified in Section VI., situated in their respective estates, farms, or talooks, are to institute a suit for the recovery of it in the court of Dewanny Adawlut. Any proprietor or farmer of land, or dependent Talookdar, or other person, subjecting such lands to the payment of revenue, without having previously obtained a judicial decree for that purpose, shall be liable to be sued for damages by the parties injured.

To whom the right of suing for the revenue of the lands specified in Section VI. is to belong, if the estate or talook be held khas.

Where estates or dependent talooks may be held khas, the right of suing for the recovery of the revenue from the lands specified in Section VI., is to be considered as vested in the party to whom the collections from the estate or talook may be payable. If the estate or talook be held khas by Government, the Tehseeldar or other officer is to sue for the revenue chargeable on such lands in the room of the proprietor, but under the directions of the Collector.

Collectors to prosecute for the recovery of the public dues from the lands specified in Section VII.

XII. It is to be the duty of the Collectors, after receiving the sanction of the Board of Revenue for that purpose, as directed in Section XIV., to prosecute in the court of Dewanny Adawlut, on behalf of Government, for the recovery of the public dues from the lands specified in Section VII., that are declared by this Regulation subject to the payment of revenue;

No lapse of time to be a bar to the recovery of the public dues.

and no lapse of time shall be considered as a bar to the recovery of the public dues from such lands.

Commission of twenty-five per cent. to be received by Collectors on the permanent jumma of lands adjudged liable to the payment of revenue, in consequence of suits prosecuted by them to a final decision.

XIII. The Collectors shall receive a commission of twenty-five per cent. on the amount of the jumma which may be assessed in perpetuity, on land adjudged liable to the payment of revenue to Government in consequence of suits which may be prosecuted by them to a final judgment.

Collectors instituting suits, but not prosecuting them to final judgment, not to receive commission, excepting in the cases herein specified.

Collectors who may institute suits for the recovery of the public dues from lands, but who shall not prosecute them to a final decision whilst they hold the office of Collector of the zillah in which the lands may be situated, shall not be entitled to any commission in the event of the lands being adjudged liable to the payment of revenue, but the commission shall be paid to the Collectors who may prosecute them to a final judgment, as above prescribed; unless the Governor General in Council shall deem it equitable, upon a consideration of the circumstances of the case, to give the whole, or any part of the commission, to the Collectors by whom the suits may have been instituted, or to Collectors who may have succeeded the Collectors who instituted the suits, and preceded the Collectors by whom they may have been prosecuted to a final decision.

Collector to report to the Board of Revenue, whenever he may re-

XIV. When a Collector shall have ground to believe that any land exceeding one hundred begahs, and alienated by any one grant previous to the 1st

December 1790, is held exempt from the payment of revenue under any invalid title, he is to state such information as he may possess, or be able to procure respecting it, to the Board of Revenue, who, if there shall appear to them ground to believe that the land is liable to the payment of revenue, are empowered to order the Collector to institute a suit for the recovery of the public dues. The Board of Revenue are likewise empowered, previous to ordering the institution of the suit, to authorize the Collector to demand from the proprietor, by a written requisition under his official seal and signature, and expressly specifying it to be made pursuant to the orders of the Board, to deliver into his custody, by a time to be limited in the requisition, all the writings in virtue of which he may possess such lands, or under which they may have been held exempt from the payment of revenue. The Collector is to give a receipt for the writings. If the proprietor shall omit or refuse to deliver the writings within the limited time, the Board of Revenue are empowered to order the Collector to issue a second and similar requisition to him to deliver the writings by a specific day, and shall at the same time impose such daily fine on the proprietor as they may judge proper, upon a consideration of his situation and circumstances in life, and the amount of the fine shall be levied by the process prescribed for the recovery of arrears of revenue: and if the proprietor shall not deliver up the writings by the time prescribed in the second requisition, the Board of Revenue are empowered to attach the lands, and collect the rents on account of Government, until the proprietor shall produce the writings, or the lands shall be adjudged liable to the payment of revenue. If the proprietor shall deny that he has any writings, or shall not deliver up all the writings, and upon a suit being instituted against him for the recovery of the public dues, he shall, in the first case, produce any writing, or in the second, any writing or writings besides such as he may have delivered to the Collector, the writing or writings so produced shall not be received by the court in evidence, nor shall they have any weight in the decision, any more than if they had never existed; unless, in the second case, he shall show good cause, to the satisfaction of the court, for not having produced the writings, and shall prove that he assigned such cause in answer to the Collector's requisition. But no Collector is to require any person holding land exempt from the payment of revenue to produce his title deeds or writings (excepting for the registry of them by the publication specified in Section XXV.), or to institute a suit for the recovery of the dues of Government from such exempted lands, without obtaining the previous orders of the Board of Revenue for that purpose; and any suits that may have been instituted by the Assistants to the Collectors for the recovery of the dues of Government from lands held exempt from the payment of revenue, which may now be depending in any of the courts of judicature, are not to be proceeded in, until the sanction of the Board of Revenue shall be obtained for that purpose. Such suits, if the grants which constitute the subject of them shall come within the description of the grants specified in Section VI, and the Board of Revenue shall approve of the prosecution of them, are to be carried on by the Collectors and to be decided upon under this Regulation. The Board of Revenue are empowered, without receiving any previous report from the Collectors, to order suits to be instituted for the recovery of the public dues from lands which they may have ground to believe are held under invalid titles.

ceive information of land held under an invalid tenure,

Board, if they see grounds, empowered to order the Collector to sue for the recovery of the public dues,

and may require the proprietor to deliver up his title deeds,

and may fine him on his refusing to deliver up the writings upon the first requisition,

and levy the amount in the same manner as arrears of revenue,

and attach the lands upon his not complying with the second requisition.

Proprietors denying that they have any writings, not to be allowed to avail themselves of any writings they may afterwards produce.

Qualification of the rule.

Collectors prohibited requiring from the proprietor of a grant his title deeds, or instituting a suit against him, without the previous sanction of the Board of Revenue.

Suits for the recovery of the public dues instituted by the Assistants to the Collectors, and now depending, not to be prosecuted without the orders of the Board of Revenue.

Board of Revenue may order suits to be instituted without any previous report from the Collectors.

XV. The

Collectors to defend suits instituted by individuals to hold land exempt from the payment of revenue.

Vakeel of Government to defend or prosecute suits instituted against, or by Government.

Rules to be observed by the Collector in the event of Government being cast wholly, or in part.

XV. The Collectors of the revenue are to defend all suits that may be instituted against Government, by any individual claiming a right to hold lands exempt from the payment of public revenue, and such suits, and the suits which the Board of Revenue may direct the Collector to institute, are to be defended and prosecuted by the Vakeel of Government under the instructions of the Collector; and in the event of Government being cast, either, wholly or in part, or if the Collector shall be dissatisfied with the decree in any respect, all the rules contained in Section XXX., Regulation XIV. 1793, and the other sections in that Regulation respecting decisions given against a Collector in any zillah court, in suits instituted against him by any proprietor or farmer of land, for sums of money demanded or actually received by him as arrears of revenue, are to be held applicable to such decree; with this difference, that the suit, from the commencement of it, is to be defended or carried on at the expense of Government, and in the event of the Board of Revenue not deeming it proper to order an appeal against the decision of the zillah court to be preferred to the provincial court of appeal, or against the decision of the provincial court to the Sudder Dewanny Adawlut, in the event of their ordering the cause to be appealed to the provincial court, and of its being given against them therein, they are to report their reasons, in both cases, for not preferring the appeal to the Governor-General in Council, who will direct the cause to be appealed, or not, in either case as may appear to him proper.

Courts to award adequate costs and damages, in cases of litigious, vexatious, or groundless prosecutions being instituted under this Regulation.

XVI. If a suit shall be brought before a court of judicature by the Collector or any officer of Government, or by a proprietor, or a farmer of land, or a dependent Talookdar, for the recovery of the revenue of lands now held exempt from the payment of revenue, or by any individual, to hold exempt from the payment of revenue lands which are now subject to the payment of revenue, and it shall appear to the court that the suit was instituted upon insufficient grounds, or from vexatious or other unjustifiable motives, it shall award against the prosecutor, in favour of the party sued, such costs and damages as may appear to it equitable, upon a consideration of the circumstances of the case.

Grants forged or altered in any respect, or antedated, declared void.

XVII. If it shall appear to any court of judicature during the course of a trial, that a grant for land to be held exempt from the payment of revenue, dated prior to the 1st December 1790, has been forged, or that the name of the original grantee has been erased and any other name substituted, or that any name not in the original grant has been inserted, or that the denomination of the tenure in the original grant has been erased or altered, or that the date of the grant has been changed, or that the grant has been antedated, the grant shall be adjudged null and void, as far as regards the exemption of the land from the payment of revenue, and the land shall be subjected to the payment of revenue accordingly.

Persons concerned in the fraud, liable to a criminal prosecution.

XVIII. Any person by whom any of the frauds specified in the preceding section may appear to have been committed, or who may have been concerned therein, shall, provided the court is of opinion that there are sufficient grounds for a criminal prosecution, be committed or held to bail (according to the circumstances of the case), to take his trial before the court of circuit.

Proprietors of land adjudged subject to the

XIX. The proprietor of a grant of exempted land which may be adjudged liable to the payment of revenue, shall not be required to refund any part of the collections which he may have made from the land previous to the date of the first decree adjudging the land subject to the payment of revenue, whether it be given in the zillah court, the provincial court of appeal, or the Sudder Dewanny Adawlut: but he shall pay the jumma which may be assessed upon the lands from the date of such first decree, adjudging the land subject to the payment of revenue.

payment of revenue, to pay the jumma from the date of the first decision, adjudging the land not exempted.

Cases in and rules under which certain grants are to be transferable.

XX. Grants of land, which from the terms of the grant or the nature of the tenure are hereditary, and are declared valid by this Regulation, or which have been or may be confirmed by the British Government, or any of its officers possessing competent authority to confirm them, are declared transferable by gift, sale, or otherwise; and all persons succeeding to such grants, by whatever mode, are required to register their names in the office of the Collector within six months after they may succeed to the grant. But all such purchases are to be considered as made at the risk of the purchaser; and in the event of the grant not proving to be hereditary, or not to have been made or confirmed by the British Government, or its officers possessing competent authority, the transfer is not to preclude the land from being subjected to the payment of revenue under this Regulation.

Record of land specified in Section VII., adjudged liable to the payment of revenue, where to be made.

XXI. *First.* When land of the description specified in Section VII. shall be finally adjudged liable to the payment of revenue, the name or names of the village or villages or land included in the grant, and the measurement thereof, the pergunnah in which the land granted may be situated, the amount of the public revenue payable therefrom, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions, directed to be kept by Section XXXIII.; and opposite to such entry the Collector is to insert, in red ink, the number of the page in the periodical register directed to be kept by Section XXII. in which the lands may stand recorded; and in the periodical register he is to specify, in red ink, the number of the page in the register of intermediate resumptions, in which the decree, adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. These entries in the register of intermediate resumptions are likewise to be inserted in the register of intermediate mutations in landed property paying revenue to Government, directed to be kept by Section XVI., Regulation XLVIII. 1793, in order that the land may be recorded in its proper place as an estate paying revenue to Government, in the next quinquennial register which may be formed agreeably to the above-mentioned Regulation. The Collector is to insert, in red ink, opposite to the entries relating to such lands in the periodical register and the register of intermediate resumptions, the number of the page in the register of intermediate mutations in which the above required entries may be made; and he is also to specify, in red ink, opposite to such entries in the register of intermediate mutations, the number of the page in the periodical register, and the register of intermediate resumptions, in which the entries respecting the lands may be inserted.

Record of lands specified in Section VI., adjudged liable to the payment of revenue, where to be made.

Second. When land of the description specified in Section VI. shall be finally adjudged liable to the payment of revenue, the measurement of the land, the name of the pergunnah in which it may be situated, the jumma

Collectors to defend suits instituted by individuals to hold land exempt from the payment of revenue.

XV. The Collectors of the revenue are to defend all suits that may be instituted against Government, by any individual claiming a right to hold lands exempt from the payment of public revenue, and such suits, and the suits which the Board of Revenue may direct the Collector to institute, are to be defended and prosecuted by the Vakeel of Government under the instructions of the Collector; and in the event of Government being cast, either, wholly or in part, or if the Collector shall be dissatisfied with the decree in any respect, all the rules contained in Section XXX. Regulation XIV. 1793, and the other sections in that Regulation respecting decisions given against a Collector in any zillah court, in suits instituted against him by any proprietor or farmer of land, for sums of money demanded or actually received by him as arrears of revenue, are to be held applicable to such decree; with this difference, that the suit, from the commencement of it, is to be defended or carried on at the expense of Government, and in the event of the Board of Revenue not deeming it proper to order an appeal against the decision of the zillah court to be preferred to the provincial court of appeal, or against the decision of the provincial court to the Sudder Dewanny Adawlut, in the event of their ordering the cause to be appealed to the provincial court, and of its being given against them therein, they are to report their reasons, in both cases, for not preferring the appeal to the Governor-General in Council, who will direct the cause to be appealed, or not, in either case as may appear to him proper.

Vakeel of Government to defend or prosecute suits instituted against, or by Government.

Rules to be observed by the Collector in the event of Government being cast wholly, or in part.

Courts to award adequate costs and damages, in cases of fictitious, vexatious, or groundless prosecutions being instituted under this Regulation.

XVI. If a suit shall be brought before a court of judicature by the Collector or any officer of Government, or by a proprietor, or a farmer of land, or a dependent Talookdar, for the recovery of the revenue of lands now held exempt from the payment of revenue, or by any individual, to hold exempt from the payment of revenue lands which are now subject to the payment of revenue, and it shall appear to the court that the suit was instituted upon insufficient grounds, or from vexatious or other unjustifiable motives, it shall award against the prosecutor, in favour of the party sued, such costs and damages as may appear to it equitable, upon a consideration of the circumstances of the case.

Grants forged or altered in any respect, or antedated, declared void.

XVII. If it shall appear to any court of judicature during the course of a trial, that a grant for land to be held exempt from the payment of revenue, dated prior to the 1st December 1790, has been forged, or that the name of the original grantee has been erased and any other name substituted, or that any name not in the original grant has been inserted, or that the denomination of the tenure in the original grant has been erased or altered, or that the date of the grant has been changed, or that the grant has been antedated, the grant shall be adjudged null and void, as far as regards the exemption of the land from the payment of revenue, and the land shall be subjected to the payment of revenue accordingly.

Persons concerned in the fraud, liable to a criminal prosecution.

XVIII. Any person by whom any of the frauds specified in the preceding section may appear to have been committed, or who may have been concerned therein, shall, provided the court is of opinion that there are sufficient grounds for a criminal prosecution, be committed or held to bail (according to the circumstances of the case), to take his trial before the court of circuit.

Proprietors of land adjudged subject to the

XIX. The proprietor of a grant of exempted land which may be adjudged liable payment of revenue, to pay the jumma from the date of the first decision, adjudging the land not exempted.

liable to the payment of revenue, shall not be required to refund any part of the collections which he may have made from the land previous to the date of the first decree adjudging the land subject to the payment of revenue, whether it be given in the zillah court, the provincial court of appeal, or the Sudder Dewanny Adawlut: but he shall pay the jumma which may be assessed upon the lands from the date of such first decree, adjudging the land subject to the payment of revenue.

Cases in and rules under which certain grants are to be transferable.

XX. Grants of land, which from the terms of the grant or the nature of the tenure are hereditary, and are declared valid by this Regulation, or which have been or may be confirmed by the British Government, or any of its officers possessing competent authority to confirm them, are declared transferable by gift, sale, or otherwise; and all persons succeeding to such grants, by whatever mode, are required to register their names in the office of the Collector within six months after they may succeed to the grant. But all such purchases are to be considered as made at the risk of the purchaser; and in the event of the grant not proving to be hereditary, or not to have been made or confirmed by the British Government, or its officers possessing competent authority, the transfer is not to preclude the land from being subjected to the payment of revenue under this Regulation.

Record of land specified in Section VII., adjudged liable to the payment of revenue, where to be made.

XXI. *First.* When land of the description specified in Section VII. shall be finally adjudged liable to the payment of revenue, the name or names of the village or villages or land included in the grant, and the measurement thereof, the pergunnah in which the land granted may be situated, the amount of the public revenue payable therefrom, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions, directed to be kept by Section XXXIII.; and opposite to such entry the Collector is to insert, in red ink, the number of the page in the periodical register directed to be kept by Section XXII. in which the lands may stand recorded; and in the periodical register he is to specify, in red ink, the number of the page in the register of intermediate resumptions, in which the decree, adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. These entries in the register of intermediate resumptions are likewise to be inserted in the register of intermediate mutations in landed property paying revenue to Government, directed to be kept by Section XVI., Regulation XLVIII. 1793, in order that the land may be recorded in its proper place as an estate paying revenue to Government, in the next quinquennial register which may be formed agreeably to the above-mentioned Regulation. The Collector is to insert, in red ink, opposite to the entries relating to such lands in the periodical register and the register of intermediate resumptions, the number of the page in the register of intermediate mutations in which the above required entries may be made; and he is also to specify, in red ink, opposite to such entries in the register of intermediate mutations, the number of the page in the periodical register, and the register of intermediate resumptions, in which the entries respecting the lands may be inserted.

Record of lands specified in Section VI., adjudged liable to the payment of revenue, where to be made.

Second. When land of the description specified in Section VI. shall be finally adjudged liable to the payment of revenue, the measurement of the land, the name of the pergunnah in which it may be situated, the jumma payable therefrom, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions; and opposite to such entry the Collector is to insert, in red ink, the number of the page in the periodical register in which the lands may stand recorded; and in the periodical register he is to insert, in red ink, the number of the page in the register of intermediate resumptions, in which the decree adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. The lands mentioned in this section not being liable to the payment of revenue to government, no entry respecting them is to be made in the register of intermediate mutations, or the quinquennial register directed to be kept by Regulation XLVIII. 1793.

Record of land now subject to the payment of revenue, but which may be hereafter adjudged exempt from the payment of revenue, where to be made.

Third. When land now subject to the payment of revenue shall be finally adjudged to be exempted from the payment of revenue, the name or names of the village or villages, or land which may be so exempted, the measurement thereof, the pergunnah in which it may be situated, the name or names of the proprietor or proprietors, the amount of the jumma, and a copy of the decree, are to be entered in the register of intermediate mutations, and the Collector is to insert, in red ink, opposite to such entry, the number of the page in the last-formed quinquennial register, in which such village or villages, or the village or villages in which the lands may be situated may be recorded, that the lands included in the grant may be omitted in the quinquennial register which may be next formed, and also the number of the page in the register of intermediate resumptions in which such entries are also to be recorded, that they may be inserted in their proper place in the periodical register of land held exempt from the payment of revenue; and the Collector shall insert, in red ink, opposite to such entries, the number of the page in the register of intermediate mutations from which they may have been taken. The rules in this clause are to be observed, likewise, in case the Governor-General in Council should deem it proper, from particular circumstances, to renew any former grants, the land included in which may be now subject to the payment of revenue.

Rule to apply to old grants renewed by Government.

Register of lands held exempt from the payment of revenue prior to the 1st December 1790, to be formed every five years.

XXII. That Government and its officers may, at all future periods, have in their possession a complete register of the lands throughout the provinces, held exempt from the payment of revenue under grants of the nature of those described in this Regulation; and with a view to prevent any such grants being made in future, a register of all lands, whether exceeding or under one hundred begahs, held exempt from the payment of revenue under grants made previous to the 1st December 1790, shall be formed every five years in each zillah. The register is to specify the denomination of each grant, whether bermooter, bishunpereet, or other tenure; the names of the grantor, the original grantee, and the person in possession, and if the person in possession be not the original grantee, his relationship to him, if any relationship exists, and in virtue of what right he succeeded to the grant; the date of the grant; the names of the village or villages comprised in the grant, or in which the land granted may be situated; the measurement, in begahs, of the village or villages, or the land included in the grant, and the name of the pergunnah in which the land granted may be situated. The register shall be denominated "periodical register of lands held exempt from the payment of revenue, under "grants made previous to the 1st December 1790, not being badshahee or royal "grants."

Contents of the register.

Denomination of the register.

XXIII. Upon

Board of Revenue to prepare a form for the periodical register. Collectors to adhere to the form.

XXIII. Upon the receipt of this Regulation, the Board of Revenue are to prepare a form for the periodical register, and transmit a copy of it for the guidance of the Collectors, who are strictly enjoined to adhere to it.

Holders of land exempt from the payment of revenue allowed one year to register them from the time specified in Section XXV.

XXIV. All persons actually holding lands exempt from the payment of public revenue, whether exceeding or under one hundred begahs, in virtue of grants made previous to the 1st December 1790, and whether made or confirmed by the Government of the country for the time being, or any other authority, shall be allowed one year from the date of the publication prescribed in the following section, to register the required particulars respecting their grants in the office of the Collector of the revenue of the zillah in which the lands may be situated.

Publication to be made, requiring all persons to register their grants.

XXV. To prevent any pleas being hereafter urged of ignorance of the rule contained in the preceding section, the Collector of each zillah, upon the receipt of this Regulation, is to cause the following publication, which shall be written in the Bengal and Persian languages in Bengal and Orissa, and in the Persian language, and the Hindostanee language and Nageree character in Behar, and attested with their official seals and signatures, to be fixed up in the principal cutcherry of every proprietor and farmer of land in the zillah paying revenue immediately to Government, and of every native Collector in lands held khas by Government; and where the estate of any proprietor with whom a settlement may have been concluded, or the farm of any farmer, or lands held khas, shall consist of two or more whole pergunnahs, or portions of pergunnahs, he shall cause the publication to be fixed up in the principal cutcherry in each pergunnah, or portion of a pergunnah, comprised in such estate, farm, or khas lands, and take a receipt, specifying the date on which the publication may be fixed up, from such proprietor, farmer, or native officer, who shall respectively be held responsible for the paper remaining so affixed for one year from the date of it.

Publication.

" In conformity to Regulation XIX. 1793, every person being actually in " possession of bermooter, bishunpereet, or other land, now exempt from the " payment of revenue, in the estate of ...., or the farm of ...., or the " khas lands under the charge of........., whether exceeding or under one hun- " dred begahs of the measurement of the pergunnah in which the land may be " situated, and whether comprising or lying in one village, or two or more " villages, and which may be held in virtue of any grant made previous to the " 1st December 1790, corresponding with the 18th Aughun 1197 Bengal " era, the 10th Aughun 1198 Fussily, the 18th Aughun 1198 Willaity, and " whether made or confirmed by the Government of the country for the time " being or its officers, or any other authority, are required to register the " following particulars respecting such lands in the office of the Collector of " the zillah, before the expiration of one year from the date of this publi- " cation. If any holders of such grants, who shall not so register their " grants, either in person or by vakeel, with a vakalutnamah attested by two " credible witnesses, and given for the express purpose of registering the grant, " the lands will be considered liable to the payment of revenue, in the same " manner as if they had been adjudged to be so by a final decree of a court of " judicature. Persons having claims only to hold land exempt from the

" payment of revenuue, but who do not now hold the lands exempt from the " payment of revenue, are not to register the land so claimed by them.

" Denomination of the grant, whether bishunpereet, bermooter, or other " tenure.

" Name of the grantor.

" Name of the original grantee.

" Name of the present possessor, and if he be not the original grantee, his " relationship to him, and whether he succeeded to the land hereditarily or by " purchase, or what other mode.

" Date of the deed, if the grant be in writing, and if not, the date on " which the grant was made.

" The name or names of the village or villages comprised in the grant, or in " which the land may be situated.

" The measurement of each village, or the villages, or the land included in " the grant.

" The pergunnah or pergunnahs in which the lands may be situated.

" A copy of the original grant, or other writings, under which the land may " be held.

Lands not registered within the prescribed time, declared subject to the payment of revenue, unless the Governor General in Council shall admit them upon the register.

XXVI. If any person in possession of any such grant of land now held exempt from the payment of revenue, shall omit to register it by the time prescribed in the publication, together with as accurate a detail of the particulars thereby required as he may be able to furnish, the land included in the grant shall, by such omission, become subject to the payment of revenue, in the same manner as if it had been adjudged liable to the payment of revenue by a final decree of a court of judicature, and the Collector, if the land shall exceed one hundred begahs, shall proceed to assess the lands accordingly; and if it shall be under one hundred begahs, the party to whom the revenue of the land may be payable under Section VI. is empowered to assess the lands as therein directed. The Governor General in Council, however, reserves to himself the power of admitting any grant upon the register after the expiration of the prescribed time, in the event of the possessor of the land showing good and sufficient cause, to his satisfaction, for not having registered it within the limited period, and the Board of Revenue are to report to the Governor General in Council every case in which persons who may have omitted to register their grants as required, may appear to them entitled to have their grants admitted upon the register.

Grants not registered within the prescribed period, or admitted by the Governor General in Council, to be considered invalid.

XXVII. After the expiration of the period limited for registering grants, all grants not registered within the prescribed time, and which may not be subsequently admitted on the register by the Governor General in Council, are declared invalid, as far as regards the exemption from the payment of revenue and the land shall be assessed with revenue as directed in Section XXVI.

Registry of lands not to be considered as an admission of the possessor's proprietary right to the soil, nor of his title to hold the land exempt from the payment of revenue.

XXVIII. It is expressly declared, however, that the registry of grants, under this Regulation, is not to be considered as an admission of the right of the person in whose name they may be registered to the property in the soil, or of his title to hold the lands exempt from the payment of revenue. Any person will be at liberty to sue him in the Dewanny Adawlut for the former, and he will be liable to be sued for the recovery of the latter by the Collector, with the sanction of the Board of Revenue, in the event of it appearing to that board that the lands are liable to the payment of revenue.

Collectors to prepare the register upon the expiration of the period limited for the registry of the grants.

Inscription on the back of the register.

Book to be paged, and each page to be attested by the Judge of the zillah.

Judge to specify the number of pages in the book on the last leaf.

XXIX. Upon the expiration of the period for registering the grants in each zillah, the Collector is to prepare a draft of the register, in the form which may be prescribed by the Board of Revenue, and to cause it to be transcribed into a book of such dimensions as they may direct. The book shall have the following inscription on the back of it: "*Periodical register, formed under "Regulation XIX.* 1793, *of lands held exempt from the payment of revenue, "under grants not badshahee or royal, made previous to the* 1*st December* 1790, "*in the zillah of...... at the commencement of the year...... Bengal (Fussily or "Willaity) era, corresponding with the year of our Lord ...... Number......*" Each leaf of the book shall be paged, and be signed by the Judge of the Dewanny Adawlut of the zillah, and on the last leaf of the book he is to note, in his own hand-writing, the number of pages in the book, and subscribe the note with his signature, and no register is to be deemed authentic but such as may be entered in a book so paged and attested. The first periodical register is to be numbered one.

Second periodical register to commence with the year 1207.

To be numbered two, and the subsequent registers in their order.

XXX. The second periodical register is to commence with the year 1207 of the era current in each province. This register is to be numbered two, and the periodical registers to be prepared at the commencement of every subsequent five years, in the order in which they may be formed.

Counterpart register in the native languages to be kept by the keepers of the native records.

XXXI. The keepers of the native records are to keep an exact counterpart of the English periodical register, in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the Judge of the Dewanny Adawlut of the zillah, in the same manner as the books containing the English registers, and no other counterparts of the registers of estates shall be considered as authentic, but such as may be entered in a book so paged and attested.

In what language the counterpart registers are to be kept.

XXXII. The counterpart registers, in Bengal and Orissa, are to be kept in the Bengal and Persian languages; and in Behar, in the Persian language, and the Hindostanee language and Nageree character.

Manner in which resumptions and other occurrences regarding exempted lands in the intervals between the forming of the periodical registers are to be recorded.

XXXIII. For the purpose of recording all resumptions, or other occurrences respecting the lands which form the subject of this Regulation, that may take place during the interval of the five years, between the forming of each periodical register, and the particulars of which will be necessary for forming the second, and all future periodical registers, the Collectors are to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated "*the register of intermediate resumptions, or other "occurrences respecting grants of exempted land not badshahee*;" and shall have the following inscription on the back, "*Register formed under Regulation XIX.* "1793, *of intermediate resumptions, or other occurrences respecting lands held "exempt from the payment of revenue, under grants not badshahee or royal, "made previous to the* 1*st December* 1790, *in the zillah of......, between the "commencement of the year......, and the end of the year......, Bengal (Fussily, "or Willaity) era.*" Previous to any entries being made in this register, it is to be paged, and the Judge of the Dewanny Adawlut of the zillah is to sign each leaf of it, and on the last leaf note, in his own hand-writing, the number of pages contained in the book, and attest the note with his signature. The Collector is to cause to be entered in this register all grants not registered within the time prescribed in the publication in Section XXV., which the Governor-General in Council may order to be admitted upon the register under Section XXVI.; all grants of exempted land that may be adjudged or become liable to the payment of revenue; all lands now paying revenue which may be adjudged not subject to the payment of revenue; all old grants of land now subject to the payment of revenue, which the Governor-General in Council may judge it proper from particular circumstances to renew; and all exempted lands which may be separated from or annexed to the jurisdiction of the zillah, with the authority for these several occurrences, and also the particulars for completing the requisite entries in the register of intermediate mutations in landed property paying revenue to Government, in the cases specified in Section XXI., in which entries are directed to be made in that register.

Documents respecting exempted lands to be furnished by Collectors of zillahs from which separations may be made.

XXXIV. When mohauls are ordered to be separated from one zillah and annexed to another, the Collector of the zillah from which the separation is to take place is to transmit to the Collector of the zillah to which the annexation is to be made, a copy of the entries in the preceding periodical register, as far as they may regard the lands held exempt from the payment of revenue in such mohauls, and also of any entries respecting them in the register of intermediate resumptions, which may have taken place subsequent to the forming of the last periodical register.

How such separations and annexations of exempted lands are to be notified to the courts of judicature.

XXXV. Upon the arrival of the period when the separation is to be carried into effect, the Collector of the zillah from which the separation may be directed to be made is to transmit to the Judge of the Dewanny Adawlut of his zillah, and also to the provincial court of appeal of the division, copies of the entries in the last periodical register and register of intermediate resumptions, which may relate to the grants to be separated from his zillah; and the Collector to whose zillah the annexation may be made is to transmit copies of the abovementioned entries (with which he is directed to be furnished in the preceding section) to the Judge of the zillah, and to the provincial court of appeal of the division in which it may be included. Immediately upon the receipt of these papers, the courts, from the jurisdiction of which the separations may be made, are to transmit the papers in the causes depending before them, which in consequence of the separation may become cognizable in any other provincial court of appeal or zillah court, to such court, and to cause notification thereof to be communicated to the parties in writing.

Collectors enjoined never to allow the register of intermediate resumptions to fall in arrear.

XXXVI. The Collectors are to attest all entries in the register of intermediate resumptions with their official signatures; and they are strictly enjoined never to allow the register of intermediate resumptions to fall in arrear, but to make the necessary entries immediately upon any resumptions or other occurrences taking place.

Counterpart of the English register of intermediate resumptions to be kept by the keepers of the native records.

XXXVII. A counterpart of the register of intermediate resumptions is to be kept by the keepers of the native records, in the same form as the English register, and in a book, the leaves of which are, in like manner, to be paged and attested by the Judge of the Dewanny Adawlut of the zillah.

XXXVIII. When

How errors in the fair copy of the periodical register, and in the register of intermediate resumptions, are to be corrected.

XXXVIII. When a periodical register shall have been transcribed fair into the book attested by the Judge of the zillah, as directed in Section XXIX., if it shall be discovered that the entries respecting any land are erroneous or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand, and the Collector is to cause the errors or omissions to be noted in the register of intermediate resumptions, and to attest the entry with his signature, and insert in red ink, opposite to the erroneous or incomplete entry in the periodical register, the number of the page in the register of intermediate resumptions in which the errors or omissions may be noted, and at the end of the note, specify the number of the page of the periodical register in which the property may be registered. Errors or omissions in the register of intermediate resumptions are to be noted in a similar manner.

Similar rule with regard to errors in the counterpart of the quinquennial register and register of intermediate resumptions in the native languages.

XXXIX. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the Collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate resumptions in the country languages, shall, in addition to the attestation of the keepers of the native records, be signed by the Collector.

Persons in possession of disputed grants to be registered as the proprietors.

XL. If the proprietary right in any grant of exempted land shall be under litigation in a court of justice, at the time of forming the first or any subsequent periodical register, the party in possession is to be registered as the proprietor.

Holders of grants liable to be fined for omitting to furnish any information that may be required by the Collectors for preparing the registers.

XLI. If a Collector shall have occasion to require from the holder of a grant any information that may be necessary to enable him to form a periodical register, or to make the requisite entries in the register of intermediate resumptions, and such person shall omit to furnish it by the time required, after having been served by the Collector with a written requisition for that purpose, under his official seal and signature, the Collector is to report the circumstances to the Board of Revenue, who are empowered to impose on such person whatever daily fine may appear to them proper, on a consideration of his situation and circumstances in life and of the case, until he shall furnish the information required; unless he shall prove, to the satisfaction of the Board, that it was not in his power to furnish it. The Collector is to levy the amount of such fines by the process to which he is authorized to have recourse for the recovery of arrears of revenue. The Board of Revenue are to furnish the Collectors in the several zillahs with such records or information as they may possess regarding the exempted lands in their respective zillahs, as well to assist them in preparing the first periodical register and in detecting frauds that may be attempted to be practised upon them in registering the grants, as to aid them in ascertaining what lands, now held exempt from the payment of revenue, are liable to the payment of revenue under this Regulation.

Board of Revenue to furnish the Collectors with all papers and information they possess regarding the exempted lands in their respective zillahs.

To whom the Collectors are to send copies of each periodical register, and of the quarterly entries in the registers of intermediate resumptions.

XLII. The Collectors of the several zillahs are to transmit, as early as may be practicable, to the Board of Revenue, an attested copy of the periodical registers, both in the English and the native languages, each in a book of the prescribed size, paged and attested by the Judge of the Dewanny Adawlut of the zillah, in the same manner as the original register, as directed in Section XXIX., and within one month after the expiration of the third, sixth, ninth, and twelfth months of the Bengal, Fussily, and Willaity year (according to the era current in their respective districts), an attested copy of the entries in the register of intermediate resumptions that may have taken place during the three preceding months. The Collector of each zillah is to transmit a similar copy of the periodical register, and of the quarterly entries in the register of intermediate resumptions, to the Judge of the Dewanny Adawlut of the zillah, and to the provincial court of appeal, in the jurisdiction of which the zillah may be included. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the periodical registers of each zillah, and of the quarterly entries in the registers of intermediate resumptions, as soon as they may receive them from the Collectors.

Courts, the Board of Revenue, and the Collectors, to be careful to preserve the old periodical registers and registers of intermediate resumptions.

XLIII. The courts of judicature, the Board of Revenue, and the Collectors, are enjoined to be particularly attentive to the preservation of the periodical registers and registers of intermediate resumptions, both in the English and native languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects, or otherwise.

From what materials the periodical register commencing with 1207, and subsequent registers, are to be formed.

XLIV. The periodical register which is to be formed in each of the zillahs in Bengal, Behar, and Orissa, at the commencement of the Bengal, Fussily, and Willaity year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding periodical register, and the entries in the subsequent register of intermediate resumptions, with the omission of any grants of land that may have been subjected to the payment of revenue during the preceding five years, or that may have been transferred to the jurisdiction of another zillah, and with the addition of any such grants of land that may have been annexed to the zillah, or that may have been adjudged not subject to the payment of revenue, or that may have been admitted upon the register by the Governor General in Council under Section XXVI. The materials for each periodical register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book, arranged according to the prescribed form.

Penalty for native officers receiving money or property on account of the registry of grants.

XLV. If it shall be proved, to the satisfaction of the Judge of the Dewanny Adawlut of any zillah, that a native officer of a Collector, or of an Assistant to a Collector, shall have received, directly or indirectly, any sum of money or effects, or other property, from any person for registering a grant under this Regulation, or on account of any matter relating to the registry thereof, the court shall adjudge him dismissed from his office, and compel him to repay the money proved to have been taken, with a fine of three times the amount to Government, and costs to the party suing him, and commit him to prison until he shall have discharged the amount of the decree, or it shall have been made good by the sale of his property.

Penalty for private servants or dependents of a Collector, or of

XLVI. If any native servant or dependent of a Collector, or of an Assistant to a Collector, not being a public officer, shall be convicted before the court of Dewanny Adawlut of the offence specified in the preceding section, he shall be compelled to restore the money to the person from whom it may have been taken, and to pay a fine of three times the amount to Government, with costs to the party suing, and be confined for six months; and if he shall not discharge the amount of the decree by the expiration of the sixth month, he shall be confined until he makes good the amount or it shall be realized from the sale of his property; and the Collector or Assistant is to discharge such servant, and never to employ him in his public or private capacity.

an Assistant to a Collector, convicted of the offence specified in the preceding section.

XLVII. All the rules in this Regulation respecting lands now held, or that may be claimed to be held exempt from the payment of revenue, under life grants made previous to the date of the Company's accession to the dewanny, are to be considered equally applicable to grants made previous to that date for a term only.

Rules respecting life grants, applicable to grants for a term.

XLVIII. No part of this Regulation is to be considered to annul any grants for holding land exempt from the payment of revenue, made or confirmed by the late Superintendents of the bazee-zemin dufter in Bengal, in virtue of the powers vested in them.

Grants made or confirmed by the late Superintendents of the bazee-zemin dufter in Bengal not to be annulled by this Regulation.

XLIX. Nor to extend to jaghire, altumgah, muddud-maash, aymah, or other grants of land termed badshahee or royal, and held, or stated to be held, under a royal firmaun. The rules applicable to such grants are contained in Regulation XXXVII. 1793.

A.D. 1793. REGULATION XX.

A Regulation *for empowering the Zillah and City Courts, the Provincial Courts of Appeal, and the Sudder Dewanny Adawlut and the Nizamut Adawlut, to propose Regulations regarding Matters coming within their Cognizance;* Passed *by the Governor General in Council on the 1st May 1793 (corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree).*

I. That the Governor General in Council may be apprized of such general or local Regulations as the Magistrates, or any of the civil or criminal courts of judicature, or any of the Judges of those courts, may deem it advisable to propose respecting matters coming within their cognizance, and at the same time to prevent any such Regulations being suggested until they have been duly considered, and that all such Regulations as may be proposed by the Judges of the zillah or city courts, or the Magistrates, may be submitted to the Governor General in Council, with the opinions of the provincial courts of appeal, or courts of circuit, and the Sudder Dewanny Adawlut, or the Nizamut Adawlut, respecting them; and that Regulations originating with the provincial courts of appeal or the courts of circuit may come before the Governor General in Council with the opinion of the Sudder Dewanny Adawlut or the Nizamut Adawlut, the following rules have been enacted.

II. The Judges of the courts of Dewanny Adawlut established in the several

Magistrates and the civil and criminal courts of Judges [illegible] to propose Regulations regarding matters coming within their cognizance.

ral zillahs, and in the cities of Patna, Dacca, and Moorshedabad, both in their capacity of Judges of those courts and as Magistrates; the Judges of the provincial courts of appeal, in their capacity as Judges of those courts, and as Judges of the courts of circuit; and the Judges of the Sudder Dewanny Adawlut and the Nizamut Adawlut, are respectively empowered to propose Regulations regarding any matters coming within their cognizance, under the rules hereafter prescribed.

Rules to be observed by the Judges and Magistrates of the zillahs and cities in proposing Regulations.

III. If a Judge of a zillah or city court, or a Magistrate, shall deem it advisable to propose any Regulation, he is to draft it in the form, and agreeably to the rules prescribed in Regulation XLI. 1793, for drafting Regulations passed by the Governor General in Council, and to submit the Regulation, so drafted, to the provincial court of appeal or the court of circuit of the division, according as the matter to which the Regulation may relate may be of a civil or a criminal nature.

Regulation how to be forwarded to the provincial court or the court of circuit.

IV. The Regulation, so drafted, is to be transmitted by the Register or the Assistant to the Judge or Magistrate, with a copy of his order for forwarding the Regulation to the provincial court or the court of circuit, attested with the official seal of the court or the Magistrate, and the signature of the Register or Assistant, under a cover addressed to the Register of the provincial court of appeal or the court of circuit.

Register to the provincial court of appeal or court of circuit to lay the Regulation before the court.

Court to take it into consideration, provided it be properly drafted and transmitted, otherwise to order the Regulation to be returned, in the manner herein directed.

V. The Register to those courts is to submit the Regulation to the court, who are to proceed to take it into consideration, provided it be drafted and transmitted in the manner prescribed. If the Regulation shall not be so drafted and transmitted, they are to make an order of court for the return of it to the Judge or Magistrate, in which shall be concisely stated wherein the prescribed rules for drafting and transmitting the Regulation have not been observed, and the Register is to return the Regulation, accompanied by the order of the court, attested with his official signature and the seal of the court, to the Register or Assistant to the Judge or Magistrate by whom the Regulation may have been proposed. The Judge or Magistrate is to conform to the observations contained in the order, and to direct his Register or Assistant to return the Regulation to the Register to the provincial court of appeal or the court of circuit, who are to proceed to take it into consideration.

Judge or Magistrate to draft and transmit the Regulation as prescribed.

Provincial court of appeal or court of circuit, how to proceed if they unanimously approve or disapprove of the Regulation entirely,

VI. If the court shall approve or disapprove of the Regulation altogether, they are to forward the draft of it to the Register to the Sudder Dewanny Adawlut or the Nizamut Adawlut, according as the matter to which it may relate may be of a civil or a criminal nature, with a letter stating the grounds of their aproval or disapproval.

or in part only,

VII. If the court shall approve of the Regulation in part only, they are to forward an attested copy of the proposed Regulation as submitted by the Judge or Magistrate of the zillah or city, and a separate draft of the Regulation framed agreeably to their own opinion, with a letter stating at large the reasons which may have induced them to suggest the alterations in the proposed Regulation.

or in case a difference of opinion shall arise respecting it.

VIII. If a difference of opinion shall arise amongst the Judges of the court regarding the proposed Regulation, each Judge is to be at liberty to record his opinion on the proceedings of the court, together with a draft of the Regulation framed agreeably to his opinion; unless he shall approve or reject the proposed Regulation altogether, in which case he is only to state the grounds of such rejection or approval on the proceedings of the court. The court are to submit the Regulation proposed by the Judge or Magistrate, with their own proceedings respecting it, to the Sudder Dewanny Adawlut or the Nizamut Adawlut.

Sudder Dewanny Adawlut or the Nizamut Adawlut, how to proceed upon the receipt of the Regulation proposed by the Judge or Magistrate, and the proceedings of the provincial court of appeal or court of circuit respecting it.

IX. The Sudder Dewanny Adawlut or the Nizamut Adawlut are to submit all the proceedings and documents which they may so receive from the provincial court or the court of circuit, to the Governor General in Council, and if they disapprove of the Regulation altogether, or approve of any one of the drafts of it, with a separate letter stating the grounds of such approval or disapproval; or if they shall deem it advisable to adopt any one of the drafts with alterations, with a draft of the Regulation framed agreeably to their opinion, and a separate letter detailing their reasons for the alterations.

Provincial court and courts of circuit not to communicate to the Judge or Magistrate their opinion on the Regulation which he may propose to them.

X. The provincial courts of appeal and the courts of circuit are not to communicate to any Judge or Magistrate the grounds on which they may approve, reject, or alter the draft of the Regulation which he may propose; but the Sudder Dewanny Adawlut or the Nizamut Adawlut, upon the draft being submitted to them by the provincial court or court of circuit, may require information on any points immediately from the Judge, or Magistrate by whom the Regulation may have been proposed, but not through the medium of the provincial court of appeal or court of circuit, and in such cases they are to submit their queries, and the answer of the Judge or Magistrate, with the other documents regarding the Regulation, to the Governor General in Council. The Sudder Dewanny Adawlut or the Nizamut Adawlut may likewise require information regarding such, or any proposed Regulation, from the provincial court of appeal or court of circuit.

Provincial courts of appeal and courts of circuit, or any one or two of the Judges of those courts, may propose Regulations.

How to proceed if the Regulation be proposed by the court collectively, or if it be proposed by one or two Judges, and it be approved unanimously,

or a difference of opinion should arise respecting it.

XI. The provincial courts of appeal and the courts of circuit, or any one or two of the Judges of those courts, may propose a Regulation drafted in the manner prescribed. If the Regulation shall be proposed by the court collectively, or by one or two of the members, and the court shall approve of it unanimously, they are to forward the draft to the Sudder Dewanny Adawlut or the Nizamut Adawlut. If a difference of opinion shall arise in the court regarding a Regulation proposed by one or two of the Judges, the Judges are to record their sentiments on the proceedings of the court, with a draft of the Regulation framed agreeably to their respective opinions; unless any one or two of the Judges should be of opinion that the proposed Regulation ought to be adopted or rejected altogether, in which case such Judge or Judges shall only state the grounds of his or their opinion on the proceedings of the court, which are to be forwarded to the Sudder Dewanny Adawlut or the Nizamut Adawlut.

Sudder Dewanny Adawlut or the Nizamut Adawlut, how to proceed upon the receipt of the Regulation from the provincial court of appeal or court of circuit.

XII. The Sudder Dewanny Adawlut or the Nizamut Adawlut are to submit all the proceedings and documents which they may so receive from the provincial court of appeal or the court of circuit, to the Governor General in Council, and if they disapprove altogether of the Regulation so submitted to them, or approve of any of the drafts, they are to state the grounds of such approval or disapproval in a separate letter. If they shall deem it advisable to adopt the proposed Regulation with alterations, they are to submit the Regulation framed according to their opinion, with a separate letter stating their reasons for the alteration, with all the documents received from the provincial court of appeal or the court of circuit, to the Governor General in Council.

Sudder Dewanny Adawlut or the Nizamut Adawlut to return to the provincial courts or courts of circuit any Regulations originating with them that they may submit, and which may not be drafted in the prescribed form.

XIII. If the provincial courts of appeal or the courts of circuit shall submit to the Sudder Dewanny Adawlut or the Nizamut Adawlut, any Regulation originating with themselves that may not be drafted in the manner prescribed, the court is to return the Regulation to the court by which it may have been proposed, and to point out to them the deviation from the prescribed form of drafting the Regulation. The court which may have submitted the Regulation is to return the draft corrected agreeably to the directions of the superior court, who are then to proceed with it as directed in the preceding section.

Sudder Dewanny Adawlut and Nizamut Adawlut to draft Regulations which they may propose in the prescribed form.

XIV. All Regulations which the Sudder Dewanny Adawlut or the Nizamut Adawlut may deem it advisable to propose to the Governor General in Council, are to be drafted in the prescribed form.

The Governor General in Council will reject or adopt the proposed Regulation, or pass such Regulation as may appear to him proper.

XV. The Governor General in Council will reject or adopt any Regulation that may be submitted to him under this Regulation, or pass such Regulation as may appear to him proper.

A. D. 1793. REGULATION XXI.

A REGULATION *for establishing in each Zillah an Office for keeping the Records in the native Languages which relate to the public Revenue, and prescribing Rules for the Conduct of the Keepers of the Records*: PASSED *by the Governor General in Council on the* 1*st May* 1793 (*corresponding with the* 21*st Bysaak,* 1200 *Bengal era; the* 6*th Bysaak,* 1200 *Fussily; the* 21*st Bysaak,* 1200 *Willaity; the* 6*th Bysaak,* 1850 *Sumbut; and the* 19*th Ramzaan,* 1207 *Higeree*).

I. THE public revenue payable from estates with the proprietors of which a settlement has been or may be concluded, being declared fixed in perpetuity, it becomes essential to the future security of the dues of Government and of the rights and property of individuals, that all accounts and papers regarding the decennial settlement, the allotment of the revenue on the shares of estates that may be divided, as well as all other documents in any respect relating to the public demand upon the lands, should be carefully preserved. For this purpose, and to facilitate reference to the revenue records, the following rules have been enacted.

Office for keeping revenue records in the native languages established in each zillah.

II. An office shall be established in each zillah for keeping all records and papers in the native languages, which in any respect relate to the public revenue.

Office to be superintended by two natives.

III. The office shall be superintended by two natives, who shall form a part of the establishment of the Collector, and shall be styled "Keepers of the "revenue records in the native languages." They shall be appointed by the Governor General in Council, and shall not be removable but for misconduct proved to his satisfaction. The office, however, is expressly declared not to be hereditary.

tives, who are to hold their appointments during their good behaviour.

Office declared not hereditary.

IV. The keepers of the records are to keep a register, in the Bengal and Persian languages in Bengal and Orissa, and in the Persian language in Behar, of all accounts, papers, and documents, in any respect relating to the public revenue, in a book or books which shall be paged, and each leaf of which shall be attested by the Judge of the Dewanny Adawlut of the zillah, and who shall insert in his own hand-writing, on the last leaf of each book he may so attest, the number of pages contained in it. The accounts and papers now deposited in the several zillahs are to be first entered in the register, and the keepers of the records are to prepare a list of them, for that purpose, immediately upon the receipt of this Regulation.

Register to be kept of the accounts and papers,

in a book to be paged, and to be attested by the Judge of the zillah.

Existing accounts and records to be first entered.

V. The keepers of the records, or one of them, shall indorse on the back of every paper which may be registered, the number of the page in which it may be registered, and attest the indorsement with his or their official signature.

Keepers of the records to indorse and attest upon the back of every paper the number of the page in which it may be registered.

VI. The keepers of the records are to be careful that the accounts and other records are not destroyed by insects, damp, or otherwise, and that they are not removed from the office of the Collector without his express orders.

Keepers of the records to be careful they are not destroyed by insects, damp, or otherwise.

VII. If any papers or records entered in the register shall be destroyed, in consequence of the neglect or any omission of the keepers of the records, or if any such records or papers shall not be forthcoming, and they shall not be able to give a satisfactory account of them, they shall be liable to dismission from their office.

To be liable to dismission if papers are destroyed or they cannot give a satisfactory account of them.

VIII. The keepers of the records are enjoined to attend to all rules or orders respecting the duties of their office, which may be prescribed to them by any Regulation printed and published in the manner specified in Regulation XLI. 1793, and also to any directions respecting the better keeping, preserving, or registering the accounts and other records of the zillah, which may be issued to them by the Collector, under whose superintendence they are to perform the duties of their office.

Keepers of the records to attend to all rules regarding their office, prescribed by any Regulation printed and published in the manner directed in Regulation XLI., 1793.

A. D. 1793. REGULATION XXII.

A Regulation *for re-enacting, with Alterations and Amendments, the Regulations passed by the Governor General in Council on the 7th December 1792, for the Establishment of an efficient Police throughout the Country:* Passed *by the Governor General in Council on the 1st May 1793 (corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree).*

I. The establishment of an efficient police throughout the country, whereby offenders may be deprived of all hope of eluding the pursuit of the officers of justice, being as essential towards deterring people from committing crimes as the speedy and impartial trial of offenders when apprehended; and the clause in the engagements of the landholders and farmers of land, by which they were bound to keep the peace, and in the event of any robbery being committed in their respective estates or farms, to produce both the robbers and the property plundered, having not only been found nugatory, but in numerous instances proved the means of multiplying robberies and other disorders, from the collusion which subsisted between the perpetrators of them and the police officers entertained by the landholders and farmers of land, in virtue of the clause above-mentioned; the Governor General in Council, with a view to afford that protection to the persons and property of the people which is so necessary to their happiness and to the public welfare, was pleased to pass certain Regulations on the 7th December 1792. Those Regulations are now re-enacted, with alterations and amendments.

Police to be under the exclusive charge of officers appointed by Government.

Landholders and farmers not to keep up police establishments.

II. The police of the country is, in future, to be considered under the exclusive charge of the officers who may be appointed to the superintendence of it on the part of Government. The landholders and farmers of land who were bound to keep up establishments of Tannahdars and police officers for the preservation of the peace, are accordingly required to discharge them, and all landholders and farmers of land are prohibited entertaining such establishments in future.

Landholders and farmers not to be held responsible for robberies, except in the cases herein specified.

III. Landholders and farmers of land are not, in future, to be considered responsible for robberies committed in their respective estates or farms, unless it shall be proved that they connived at the robbery, received any part of the property stolen or plundered, harboured the offenders, aided or refused to give effectual assistance to prevent their escape, or omitted to afford every assistance in their power to the officers of Government for their apprehension; in either of which cases they will be subject to be prosecuted personally for the crime or offence before the court of circuit, and if convicted, their lands and effects will be liable to be sold, at the discretion of the Governor General in Council, to make good the value of the property stolen or plundered to the owner.

Zillahs to be divided into police jurisdictions. Their extent.

To be guarded by a

IV. The Magistrates are to divide their respective zillahs, including the rent-free lands, into police jurisdictions. Each jurisdiction is to be ten coss square, except where local circumstances shall render it advisable to form all or any of the jurisdictions of greater or less extent. The guarding of each jurisdiction is to be committed to a Darogah or superintendent, with an establishment of officers. The Darogahs with their establishments are to be stationed in the centre of their respective jurisdictions; unless for special reasons it shall be thought expedient, in particular instances, to fix them in any other situation: and the Magistrates are directed to endeavour to form the jurisdictions in such a manner as to bring the principal towns, bazars, and gunges, in the centre of them, that the police establishments may serve for the protection of these principal places, as well as the circumjacent country.

Darogah and officers, who, except in certain cases, are to be stationed in the centre of the jurisdictions.

In all practicable cases, jurisdictions to be so formed as to render the principal towns, &c. central.

V. The police jurisdictions are to be numbered, and to be named after the places at which the Darogahs and their establishments may be stationed. The Magistrates are not to change the names or numbers of the jurisdictions, nor to alter the limits of them, without the sanction of the Governor General in Council.

Jurisdictions to be numbered, and how to be named.

Names and numbers not to be changed without the sanction of Government.

VI. The Magistrates are to nominate the Darogahs in the first instance, and to fill up all future vacancies. They will, in consequence, be held responsible for selecting persons duly qualified for the trust. But no Darogah is to be removed from his office except upon proof of incapacity or misconduct, to the satisfaction of the Governor General in Council; and no person is to be appointed a Darogah without giving security for his appearance in the amount of one thousand rupees, himself in five hundred, and two responsible persons in two hundred and fifty each. Whenever the Magistrates shall deem any Darogah disqualified for his station, either from incapacity, misconduct, or other cause, they are empowered to suspend him, and to appoint a person to officiate *pro tempore* in his room, reporting immediately the grounds of his suspension to the Governor General in Council, who will determine whether he shall be removed or continue in his office.

Magistrates to appoint the Darogahs.

Who are not to be removed, but for incapacity or misconduct proved to the satisfaction of Government.

Security required to qualify a person for the office of Darogah.

VII. Any person having a charge to prefer against another for murder, robbery, house-breaking, theft, or other crime, or any misdemeanor, and who shall not choose to lodge it immediately before the Magistrate of the zillah, shall be at liberty to prefer it in writing to the Darogah of the jurisdiction in which the crime or misdemeanor may have been committed; or if the offender shall have removed himself out of that jurisdiction, to the Darogah of the jurisdiction in which he may be found. The Darogah of such jurisdiction shall forthwith cause the party accused to be apprehended. If the charge shall be for murder, robbery, house-breaking, theft, or other heinous crime, the Darogah shall send the accused to the Magistrate under safe custody, within twenty-four hours after he shall have apprehended him. If the charge shall be for any crime or misdemeanor upon which the Magistrates are authorized to pass sentence, the Darogah shall take sufficient security from the person accused to appear on a specific day before the Magistrate, and then release him. If he shall refuse or be unable to give good security, the Darogah shall send him under safe custody to the Magistrate, within twenty-four hours after he shall have apprehended him. When the party accused shall appear before the Magistrate, he shall proceed against him in the same manner as if he had been apprehended under his own warrant.

What charges are to be received by the Darogahs.

Party accused how to be disposed of when apprehended.

VIII. The Darogahs are authorized to apprehend without a written charge or issuing a dustuck or writ, persons found in the act of committing a breach

Darogahs not to take any person into custody without a written charge, nor without is-

of

ing a writ for his apprehension, except in the cases herein described.

of the peace, or against whom a general hue and cry shall have been raised, or who shall be detected with stolen goods in their possession, and also the several descriptions of persons specified in Section X. In every other case, the Darogahs are prohibited apprehending any person without a charge preferred against him in writing, under the seal or signature of the complainant.

Darogahs to take security from prosecutors and witnesses to appear before the Magistrate at the same time as the party accused.

IX. The Darogahs are, in all cases whatsoever, to take security from the prosecutor and his witnesses to appear before the Magistrate on a specific day, which shall be the day whereon the party accused may be bound to appear, if security shall have been taken from him for that purpose, or on the day on which he may be expected to arrive at the Magistrate's place of residence, if he is to be forwarded thither under custody.

Darogahs to apprehend and send to the Magistrate notorious robbers, Decoits, vagrants, and suspected persons.

X. The Darogah, upon receiving information of any notorious Decoits, or robbers, harbouring within his jurisdiction, shall apprehend them, and forward them under safe custody to the Magistrate. He shall likewise apprehend and send to the Magistrate all Geedur-mars, Malacheas, Syr-bejuas, or other descriptions of vagrants or suspected persons who may be lurking about his jurisdiction without any ostensible means of subsistence, or who cannot give a satisfactory account of themselves. The Magistrate shall examine, on oath, such vagrants or suspected persons, and also any persons who may have a knowledge of their usual place of residence, occupation, or mode of obtaining their livelihood; and if there shall appear to him grounds for supposing that they are disorderly or ill-disposed people, he shall employ them in repairing the public roads, or upon any other public work, until they find a security for their good behaviour in case of their being discharged, or until some creditable persons shall agree to entertain them in their service, or the Magistrate shall be satisfied, from their deportment whilst in his custody or other circumstances, that they will of themselves take to some service or employment, so as to obtain an honest livelihood, in either of which cases the Magistrate shall discharge them. If any person so apprehended shall make his escape from the custody of the Magistrate before he is regularly discharged, and shall be re-apprehended, he shall be imprisoned and kept to hard labour for six months.

Magistrate how to proceed with vagrants and suspected persons.

Punishment for vagrants or suspected persons escaping from the custody of the Magistrate.

Further definition of the duty of the Darogahs with regard to persons charged with crimes or misdemeanors.

XI. It is to be understood, that the duty of the Darogah, with regard to persons charged with crimes or misdemeanors, is to be confined to apprehending and sending them under safe custody to the Magistrate, or taking security for their appearance before him. He is not to discharge the parties accused after they are once apprehended (except in the cases mentioned in Section VII., in which he is expressly authorized to release them upon security, or upon the parties delivering in a razenamah, in the case specified in Section XII.), nor to inquire into or pass sentence upon any complaint, or impose any fine, or make any exaction, or inflict any punishment on the prosecutors, or the accused, or their respective witnesses, or on any persons whomsoever.

Darogahs authorized to release the defendant in certain cases upon which the Magistrate is empowered to decide, provided both parties agree in writing to withdraw the prosecution.

XII. In complaints for petty assaults, and in the other cases described in Section VIII., Regulation IX. 1793, on which the Magistrates are empowered to pass sentence, the Darogahs are permitted to discharge the defendant, provided the complainant shall deliver a razenamah or writing desiring to withdraw his complaint, and the defendant shall also give a razenamah or writing, agreeing to the complaint being withdrawn. These razenamahs are to be attested by two creditable witnesses, and are to be transmitted to the Magistrate by the Darogah with his monthly report. If the parties shall not deliver in such razenamahs, the case is to be brought before the Magistrate. To prevent any misconstruction of the authority vested in the Darogahs by this section, it is expressly declared not to extend to the cases of petty-thefts, on which the Magistrates are empowered to decide by Section IX. Regulation IX. 1793.

This authority not to extend to petty thefts.

Village watchmen to be subject to the authority of the Darogah, and their names to be registered by him.

XIII. All Pykes, Chokeydars, Pausbauns, Dusauds, Nigabans, Harees, and other descriptions of village watchmen, are declared subject to the orders of the Darogah. He shall keep a register of their names, and upon the death or removal of any of them, the landholders or others to whom the filling up of the vacancies shall belong, shall send the names of the persons whom they may appoint to the Darogah of the jurisdiction, that they may be registered by him as above directed.

Duties to be performed by the village watchmen.

XIV. The Pykes, Pausbauns, and other village watchmen mentioned in Section XIII., shall apprehend and send to the Darogah any persons who may be taken in the act of committing murder, robbery, house-breaking, or theft, or against whom a hue and cry shall have been raised. It shall be their special duty, also, to convey to the Darogah of the jurisdiction immediate intelligence of any robbers who may have concealed themselves in their respective villages or the country adjacent, and also of any vagrants or other persons who may be lurking about the country, without any ostensible means of subsistence, or who cannot give a satisfactory account of themselves. Pykes, Pausbauns, or other village watchmen, who shall not act in conformity to this section, shall be dismissed from their stations by the landholders or other persons by whom they may be employed, upon the requisition of the Magistrate; and shall be further punished as the law may direct, should it be proved that they assisted in harbouring or concealing any of the above-mentioned descriptions of offenders or suspected persons, or connived, in any respect, at their malpractices.

Dawk officers to receive and convey free of postage all letters on the public service delivered to them by the Darogahs.

XV. To enable the Magistrate to obtain speedy intelligence of any crimes or misdemeanors that may be committed within the limits of his zillah, and in cases in which it may be necessary, for the expeditious circulation of information of any such breaches of the peace to the neighbouring Magistrates or Darogahs of police, orders have been issued to all the dawk officers in the Company's provinces to receive and convey, free of postage, any letters which may be tendered to them by the Darogahs of police. Such letters are to be superscribed with the name of the Darogah and the jurisdiction over which he may preside, together with the words "kar sircar," to denote that the letters relate to the public service. Any Darogah who shall insert in such letters any matter not relating to the public service upon which he is employed shall be dismissed from his office. In cases where the Darogahs shall be stationed at a considerable distance from the road by which the dawk may travel, the following directions are to be observed as far as may be practicable. The dawk officer shall deliver the letter to the proprietor or head person of the village on the road that may be nearest to the place at which the Darogah to whom the letter may be addressed shall reside, and take a receipt from him for it, specifying the date of its delivery. The proprietor or head person of the village shall be held responsible for the letter being delivered to the Darogah to whom it is addressed without delay, unless the distance of his place of residence shall

Manner in which letters are to be conveyed to and from the Darogahs who may be stationed at a distance from the dawk road.

exceed five coss, in which case such proprietor or head person of the village who received the letter from the dawk officer, shall deliver it to the proprietor or head person of the first village, the distance of which may exceed five coss from the dawk road, and take a receipt for it. In this manner the letter shall be forwarded by the proprietors or head persons of the villages for the distance of five coss each, until the letter reaches the officer to whom it is addressed. In like manner, whenever the Darogahs, so stationed at a distance from the dawk road, shall have occasion to send letters to the dawk, the proprietors or head persons of villages shall convey them to the nearest dawk chokey, in the same mode as they are required to convey to such Darogahs any letters that may be delivered to them by the dawk officers. As the places of residence of the Darogahs will be fixed, the names of the villages to the proprietors or head persons of which it may fall to convey the letters between the place where the Darogahs may reside and the nearest dawk chokey or station, will be soon known to the dawk officers and Darogahs, who to prevent disputes arising between the landholders respecting the conveyance of letters as above directed, shall write on the back of all letters the names of the villages, by the proprietors or head persons of which they are to be conveyed. The Darogahs are authorized to despatch letters by the public dawk not only to the Magistrate to whose authority they are immediately subject and the Darogahs of his zillah, but also to the Magistrates and Darogahs of any of the neighbouring zillahs, to whom they may have occasion to send notice of any breaches of the peace that may have been committed in their own or any other jurisdiction: and the Darogahs shall make it a rule, whenever they receive intelligence of any murder or robbery having been committed in their own or any other jurisdiction, to despatch immediate information of it to all the neighbouring Darogahs, and also to the Magistrates of the adjacent zillahs, unless they shall have apprehended the offenders. All proprietors and farmers of land, Gomastahs, and other head persons of villages, are required to pay strict obedience to these orders for conveying the letters of the Darogahs; and the Magistrates are directed to fix up copies of them in the head cutcherry of every pergunnah throughout their respective zillahs.

A concurrent jurisdiction vested in the Magistrates and the police officers of the several zillahs, in particular cases and under certain restrictions.

XVI. A concurrent jurisdiction is vested in the Magistrates of the several zillahs, and the cities of Patna, Dacca, and Moorshedabad, and their police officers, in the cases and under the restrictions following, *viz.* the Darogahs and police officers subject to the authority of the Magistrate of the zillah are empowered, either under his warrant or without such warrant, to pursue persons charged with crimes or misdemeanors into the jurisdiction of other Darogahs, whether subject to the same Magistrate as themselves, or to the Magistrate of any other zillah or either of the cities. The Magistrates, Darogahs, police officers, landholders, farmers, Gomastahs of villages, cultivators of land, and all other persons having authority or residing in the jurisdiction into which the offenders may be pursued, are required to afford every assistance in their power to the pursuing officers for the apprehension of the offenders. It is to be understood, however, that this concurrent authority vested in the Magistrates and their police officers is to extend only to cases in which the crime or misdemeanor shall have been committed within their respective jurisdictions, or (in the event of the crime having been committed in any other jurisdiction) where the offender was actually within their jurisdiction when the charge against him was preferred to them. And it shall not be lawful for the Magistrate or Darogah of one zillah or jurisdiction to issue a warrant for the apprehension of any offender being or residing in another zillah or jurisdiction at the time of the complaint being preferred to them, for any crime or misdemeanor not committed within the limits of their respective jurisdictions. In such case, the complainant must apply, in the first instance, to the Magistrate of the zillah, or to the Darogah of the jurisdiction in which the crime or misdemeanor shall have been committed, or in which the offender may reside or be found.

Police officers apprehending offenders out of their own jurisdictions, to deliver a list of the names of the offenders, and a statement of their crimes, to the Darogah, in whose jurisdiction they may be apprehended.

XVII. Whenever the police officers employed under one Magistrate shall apprehend offenders in the jurisdiction of another Magistrate, in virtue of the powers vested in them in the preceding section, they shall immediately deliver to the Darogah of the police jurisdiction in which the offenders may be apprehended, a list of their names and a statement of the crimes or misdemeanors with which they may be charged, and the said Darogah shall immediately forward such list and statement to the Magistrate to whose authority he may be subject.

Darogahs to receive a reward of ten rupees for every Decoit apprehended by them and convicted,

and ten per cent. on the value of property recovered from robbers, upon conviction of the offenders.

XVIII. The Darogahs shall receive from Government a reward of ten rupees for every Decoit who may be apprehended by them in the first instance, to be paid upon the conviction of the offender. They shall likewise be entitled to a commission of ten per cent. on the value of all property, stolen or plundered, which they may recover, provided that the thieves or robbers be apprehended and convicted. The commission is to be paid by the owner of the property, which is to be fairly valued by the Magistrate, or by any creditable and competent person whom he may appoint for that purpose. The Magistrate is to cause the commission, in the case above directed, to be paid by the owner, or his agent, to the Darogah to whom it may be due. If the owner shall omit or refuse to pay the commission, the Magistrate shall dispose of such portion of the property at pubic sale as may be sufficient to make good the amount, and deliver the residue to the owner.

Darogahs, or some of their officers, to attend wherever markets are held to keep the peace.

XIX. The Darogahs are to proceed in person, or to depute one or more of their officers, as circumstances may require, to the several towns, gunges, bazars, and hauts, on market days, to prevent any disputes or disturbances arising between the venders and purchasers, or other persons resorting to the markets.

Duties of the Darogahs with regard to the boats prohibited to be built, used, or transferred without a written authority from the Magistrate.

XX. The Darogahs are to seize all boats built, used, or transferred, in opposition to the rules contained in this section, and to apprehend and send to the Magistrate the artificers employed in repairing or building such boats, and to report to him the name of the proprietor of the village in which they may have been built or repaired, that the penalties hereafter specified may be enforced against him.

Description of the prohibited boats.

First. All persons are prohibited building or making use of boats of the following denominations and dimensions, or of boats of any other denominations, being of the same dimensions, without previously obtaining from the Magistrate the written authority hereafter directed.

	Covids length.	Covids breadth.
Luckhas	40 to 90	2½ to 4
Jelkas	30 to 70	3½ to 5

Paunsways of Chandpore carrying more than thirty oars.

Second. The Magistrates are directed to seize and confiscate all boats of the foregoing descriptions, which may be built, used, or transferred within the limits of their respective jurisdictions, without written authority from them for that purpose.

Third. Any Zemindar or other landholder allowing any boat, of either of the descriptions above specified, to be built or repaired within the limits of his zemindarry, unless a writing shall be produced to him, under the seal and signature of the Magistrate of the zillah, authorizing the building or using of such boats, shall forfeit to Government the village in which such boat shall be proved to have been so built or repaired.

Fourth. All carpenters, blacksmiths, or other artificers, are prohibited engaging for, or being employed in the building or repairing of boats of the descriptions above-mentioned (unless the person offering to employ them shall produce a writing, under the seal and signature of the Magistrate, authorizing the building or using of such boat), under pain of being committed to close imprisonment for any period not longer than one month, or suffering corporal punishment not exceeding twenty strokes with a rattan. The Magistrates are empowered to cause artificers who may be proved to have offended against the prohibition contained in this clause, to be punished in the manner and under the limitations directed, according to the circumstances of the case.

Fifth. The Magistrates are empowered to authorize any person to build or use boats, of the dimensions or descriptions above prohibited, for the purposes of trade, or of conveying themselves from place to place by water, or for recreation; but such authority is to be given in writing, under his official seal and signature, and is constantly to remain with the person to whom the building of the boat may be committed whilst the boat is building, or on board of the boat in charge of some person after it is built, otherwise the boat shall be liable to seizure and confiscation, notwithstanding such writing, in the same manner as if the boat had been built and used without such authority. The Magistrates are to be careful not to grant licenses to build or use boats of the above denominations or dimensions, excepting to persons whom they may be satisfied will not allow them to be employed for any improper purposes. All persons desirous of building or using boats of the prohibited dimensions and descriptions, or to sell or transfer them, are to apply to the Magistrate of the zillah for a written authority for that purpose. The Magistrates shall cause this section to be subjoined to all the written authorities which they may grant for the building or using the boats in question, and the sanction for the sale or transfer of such boats shall be endorsed on the original authority for building or using them.

XXI. The Darogah of each jurisdiction shall send to the Magistrate a monthly report in writing, which shall contain the names of all persons whom he may have apprehended, the crime or misdemeanor with which they may have been charged, the date of their apprehension, and the date on which they were despatched to the Magistrate, or released, either upon bail or in consequence of the parties having agreed to withdraw the complaint, in the cases specified in the Sections VII. and XII., together with a circumstantial detail of all other acts done by him in his official capacity. The report is to be despatched on the fifth of every month, for the month preceding, by the public dawks; or

if

if it cannot be sent by this mode of conveyance, by such other as the Magistrate may direct. If it shall be proved, to the satisfaction of the Magistrate, that any Darogah has apprehended any person, or issued orders, or done any official act which shall not be inserted and truly stated in his report, he shall suspend him from his office, and report the circumstances to the Governor-General in Council, who, if there shall appear to him sufficient cause for so doing, shall order such Darogah to be dismissed.

XXII. If the Darogah of a jurisdiction, or any officer under his authority, shall be guilty of corruption, extortion, or oppression, or commit any act repugnant to this Regulation, the party injured is hereby permitted to prosecute him, either criminally before the court of circuit, or for damages in the Dewanny Adawlut. The Judges of the above-mentioned courts are required to take cognizance of all such prosecutions or suits as may be brought before them under this Regulation, and to pass such sentence or decree as may appear to them equitable, upon a consideration of the circumstances of the case.

Darogahs liable to prosecution in the civil and criminal courts, for all official acts not warranted by this Regulation.

XXIII. The Magistrates of the zillahs in Bengal and Orissa are to furnish the Darogahs of the several jurisdictions with sunnuds of office, and translates of this Regulation in the Persian and Bengal languages. The Magistrates of the zillahs in Behar are to deliver to the Darogahs sunnuds and translates of this Regulation in the Persian language, and in the Hindostanee language and Nageree character. These sunnuds and translates are to be attested with the official seal and signature of the Magistrate.

Magistrates to furnish the Darogahs with sunnuds of office and translates of this Regulation.

XXIV. The rules contained in the following sections are prescribed for the establishment of an efficient police in the cities of Patna, Dacca, and Moorshedabad.

Rules regarding the police of the cities of Patna, Dacca, and Moorshedabad.

XXV. The Magistrates of the cities of Patna, Dacca, and Moorshedabad, and their police officers, are vested with a concurrent authority in their respective jurisdictions, and with the Magistrates of the several zillahs under the rules and restrictions prescribed in Section XVI. and XVII., respecting the concurrent jurisdiction vested in the Magistrate and the police officers of each zillah, and the Magistrates and police officers of other zillahs, and of the cities of Patna, Dacca, and Moorshedabad.

Cases in which the Magistrates of the three cities and their police officers are vested with a concurrent authority in their respective jurisdictions, and in the jurisdictions of the Magistrates of the several zillahs.

XXVI. The Magistrates of the cities of Patna, Dacca, and Moorshedabad, shall divide the cities and the places adjacent, which are subject to their respective jurisdictions, into wards. Each ward shall be guarded by a Darogah with a proper establishment. The Darogahs shall be subject to the immediate authority of the Cutwal of the city.

Magistrates of the three cities to divide the cities into wards.

Each ward to be guarded by a Darogah and establishment, subject to the Cutwal of the city.

XXVII. The wards shall be numbered and named, and the Magistrates shall not change the names or numbers of the wards, or alter their limits, without the sanction of the Governor-General in Council.

Wards to be numbered and named. Names and numbers of the wards not to be changed without the sanction of Government.

XXVIII. The rules prescribed in Section VI. respecting the Darogahs of the jurisdictions in the zillahs, are to be held applicable to the Cutwals and the Darogahs of the wards in the cities of Patna, Dacca, and Moorshedabad; provided that no person shall be appointed Cutwal of either of the cities of Patna, Dacca, and Moorshedabad, unless he shall give security for his appearance in the amount of five thousand rupees, himself in two thousand five hundred, and two responsible persons in one thousand two hundred and fifty each.

Rules in Section VI. to be applied to the Cutwals and Darogahs of the three cities, with an additional provision regarding the security necessary to qualify a person for the office of Cutwal.

Rules for patrolling the city at night.

XXIX. The Jematdars of the establishments of the several wards, with one-half of the establishments, shall patrol their respective wards, without intermission, from sunset until twelve o'clock at night. The Darogahs, with the other half of their establishments, shall patrol their respective wards, without intermission, from twelve o'clock at night until daylight. The patrols are to move about as silently and with as little noise as possible, that thieves and other disorderly persons may never be apprized of their approach. The patrols of the several wards are to be furnished with a singharah or horn, which they are to sound when they meet with robbers or other persons guilty of a breach of the peace, and have occasion to give the alarm to the other patrols or to the inhabitants of the ward, that they may co-operate to the apprehension of the offenders, but not otherwise. The Cutwal is to be careful that the Darogahs and their officers perform the essential duties prescribed in this section regularly and properly, and to report to the Magistrate every instance in which they may be guilty of negligence or misconduct in the discharge of them.

Cutwals to be careful that they are observed.

Mohullahdar and Mohullahdarin to be appointed to each ward.

XXX. To assist the Darogahs in obtaining the earliest intelligence of any robbers or other offenders that may be concealed or have taken up their residence within their respective wards, a Mohullahdar and Mohullahdarin shall be appointed to each ward; subject, however, to the orders of the Darogahs, to whom they shall convey immediate information of any offenders that may be found in their respective wards.

Their duties.

What descriptions of persons the Cutwals and Darogahs are to apprehend, and how they are to proceed with them when apprehended.

XXXI. It shall be the duty of the Cutwals and of the Darogahs of the wards to apprehend all murderers, robbers, house-breakers, thieves, and persons charged with, or suspected of crimes or misdemeanors, and all vagrants who may be lurking about their respective wards without any ostensible means of subsistence, or who cannot give a satisfactory account of themselves. All such persons, who may be apprehended by the Darogahs between sunrise and sunset, shall be conveyed to the Cutwal's office immediately upon their apprehension. If any such persons shall be apprehended between sunset and sunrise, they shall be conveyed to the Cutwal's office early in the morning after the night on which they may have been apprehended. The Cutwal shall every morning, by eleven o'clock, take before the Magistrate all persons who may have been apprehended by him or the Darogahs during the preceding night or day. The Cutwals and Darogahs are prohibited detaining any persons whom they may have apprehended in custody beyond the time above prescribed.

Cutwals and Darogahs not to discharge persons once apprehended, except in the cases and under the restrictions herein specified.

XXXII. The Cutwals and Darogahs of the wards shall not discharge any persons whom they may have once apprehended without receiving orders from the Magistrate for their release; excepting persons who have been apprehended for petty assaults or other matters, theft excepted, upon which the Magistrates are empowered to pass sentence, in which cases the Cutwals and Darogahs are permitted to discharge the defendants, provided that, previous to the time prescribed for carrying them before the Magistrate, the complainants shall voluntarily deliver a razenamah or writing desiring to withdraw the complaint, and the defendants shall, of their own accord, execute a similar writing agreeing to the complaint being withdrawn. These razenamahs shall be attested by two creditable witnesses, and shall be transmitted on the morning

ing following the night or day on which they may have been executed by the Darogahs to the Cutwal, who shall submit them on the morning on which he may have received them, together with any such writings relating to similar cases that may have been entered into before him in the preceding night or day, to the inspection of the Magistrates.

Magistrates of the cities to proceed with vagrants and suspected persons in the same manner as the Magistrates of the zillahs.

XXXIII. The Magistrates are to proceed with vagrants or suspected persons who may be brought before them, in the same manner as the Magistrates of the zillahs are directed to deal with them in Section X.

Further definition of the duties of the Cutwals and Darogahs with regard to persons apprehended.

XXXIV. The duty of the Darogahs of the wards and Cutwals, with regard to persons charged with crimes or misdemeanors, is confined to apprehending them and causing them to be carried before the Magistrate, as above prescribed. The Cutwals and Darogahs are not to inquire into or pass sentence upon any complaint, or impose any fine, or make any exaction, or inflict any punishment on the complainants or on the accused, or on any other persons whomsoever.

Rules respecting letters in Section XV. and Boats in Section XX. to extend to the three cities.

XXXV. The rules respecting boats contained in Section XX. are to extend to the cities of Patna, Dacca, and Moorshedabad, and the Magistrates and their police officers are to conform thereto. The police officers are likewise vested with the same powers for conveying letters as are given to the Darogahs of the zillahs in Section XV.

Cutwals and Darogahs to be allowed the same rewards and commission as the *Darogahs* of the zillahs in Section XVIII.

XXXVI. The Cutwals and the Darogahs of the wards of the three cities shall receive the same reward for the apprehension of Decoits, and for the recovery of property, stolen or plundered, as is granted to the Darogahs of the zillahs by Section XVIII.

Darogahs of the wards to perform the same duties as are prescribed to the Darogahs of the zillahs by Section XIX.

XXXVII. The Darogahs of the wards in the three cities shall perform the same duties as are prescribed to the Darogahs of the zillahs in Section XIX.

Police officers of the cities liable to prosecution for illegal acts, in the same manner as the Darogahs of the zillahs by Section XXII.

XXXVIII. The Cutwals and the Darogahs of the wards in the cities of Patna, Dacca, and Moorshedabad, and the officers under their authority, shall be liable to prosecution in the civil or criminal courts for acts of oppression, corruption, or extortion, or any acts not warranted by this Regulation, in the same manner as the Darogahs of the zillahs and their officers, as prescribed in Section XXII.

Magistrates of the cities to furnish the Cutwals and Darogahs with sunnuds of office and translates of this Regulation.

XXXIX. The Magistrates of the cities of Dacca and Moorshedabad are to furnish the Cutwals and Darogahs of the wards in their respective jurisdictions with sunnuds of office and translates of this Regulation, in the Persian and Bengal languages. The Magistrate of Patna is to furnish the Cutwal and the Darogahs of the wards in his jurisdiction with sunnuds of office and translates of this Regulation, in the Persian language and in the Hindostanee language and Nageree character. The sunnuds and translates above-mentioned are to be attested with the official seal and signature of the Magistrates.

A.D. 1793. REGULATION XXIII.

A REGULATION *for raising an annual Fund for defraying the Expense of the Police Establishments entertained under Regulation* XXII. 1793: PASSED *by the Governor General in Council on the 1st of May* 1793 (*corresponding with the* 21*st Bysaak*, 1200 *Bengal era; the* 6*th Bysaak*, 1200 *Fussily; the* 21*st Bysaak*, 1200 *Willaity; the* 6*th Bysaak*, 1850 *Sumbut; and the* 19*th Ramzaan*, 1207 *Higeree*).

I. UPON the introduction of a general system of police on the 7th December 1792, the Governor General in Council determined that the expense of the establishments should be defrayed by the merchants, traders, and shopkeepers residing in the several cities, towns, bazars, and gunges. He considered it equitable that this expense should be charged upon the commercial part of the community; *first*, because they are particularly interested in the establishment of an efficient police, from having at all times a large property moving about the country, and consequently being liable to suffer more than any other descriptions of individuals from the depredations of robbers; *secondly*, because they carried on the whole internal trade of the country free of duty, in consequence of the late abolition of the inland customs, and although one of the most opulent classes of the people paid no immediate tax to the state. The Governor General in Council, however, deeming it proper that the annual expense of the police should be assessed as equally as possible upon the whole of the commercial body; and it being necessary, for the attainment of this object, that all native merchants, traders, and shopkeepers, whether residing or having houses of trade, golahs, or shops, in cities, towns, villages, bazars, gunges, or elsewhere, should contribute in due proportions towards the defraying of it; and Government being also desirous that the assessment and collection of the taxes which it may be found necessary to impose for the support of this important arrangement should be attended with as little inconvenience as possible to the contributors, the following rules have been enacted.

Existing police taxes to be discontinued from the end of the Bengal, Fussily, and Willaity years 1200.

II. The taxes which have been imposed under the orders of the Governor General in Council of the 7th December 1792, for defraying the expense of the police establishments, shall continue payable in Bengal until the end of the current Bengal year; in Behar, until the close of the present Fussily year; and in Orissa, until the expiration of the current Willaity year; from which periods they are to be discontinued in those provinces respectively.

Police tax to be assessed and collected by the Collectors of the land revenue.

III. The assessment and collection of the police tax in each zillah shall henceforth be made by the Collector of the land revenue of the zillah. The assessment and collection of the tax in the cities of Patna, Dacca, and Moorshedabad, shall be committed to the Collectors of the zillahs in which those cities are respectively situated, *viz.* Behar proper, Dacca Jelalpore, and Moorshedabad.

Receipts and disbursements for the police to be inserted in the Collectors' accounts under the head of "police."

IV. The sums which the Collectors may realize from the taxes that they are empowered to assess and collect under this Regulation, or from the fines which they are authorized to impose under Section XVI., and all deductions or allowances, either in money or arising from the produce of lands, formerly made to the proprietors of land for defraying the charges of the police, and which have been or may be resumed under Clause Fourth, Section VIII., Regulation I, 1793, and all disbursements which they may be authorized to make on account of the police establishments, that now are or may be entertained under Regulation XXII. 1793, shall be inserted in their monthly treasury accounts under the separate head of "police," that Government may at any time be able to compare the receipts with the expenditures.

Sums raised to be applied solely to the police.

V. All sums which may be realized from the taxes that may be imposed and collected under this Regulation, shall be applied to defray the charges of the police of the zillah or city in which they may be raised, and to no other purpose whatsoever.

Collectors to issue to the Magistrates, the amount of the approved establishments on the first of every month.

VI. The Collectors of the revenue in the several zillahs shall issue to the Magistrates of their respective zillahs, and the Collectors of the revenue in the zillahs of Behar proper, Dacca Jelalpore, and Moorshedabad, shall advance to the Magistrates of the cities of Patna, Dacca, and Moorshedabad, the amount of the expense of the police establishments of their respective zillahs and cities, on the first of each English month, for the preceding month, after they have been advertised that such establishments have been approved by the Governor General in Council. The Collectors shall issue the amount of these approved establishments from their treasuries, although their receipts from the taxes should not be equal to the authorized disbursements on account of the police.

A new assessment of the police tax to be made annually.

VII. At the commencement of the ensuing and of every subsequent Bengal, Fussily, and Willaity year, a new assessment shall be made of the tax for defraying the expense of the police of the zillahs comprised in the provinces of Bengal, Behar, and Orissa, respectively. In the cities of Dacca and Moorshedabad, a new assessment of the tax for providing for the charge of the police of those cities shall be made at the beginning of the ensuing and every subsequent Bengal year; and in the city of Patna, at the commencement of the next and every following Fussily year. These annual taxes in the several zillahs and cities are to be assessed and collected according to the rules hereafter prescribed.

By whom the police tax is to be paid.

VIII. The annual expense of the police establishments in the several zillahs, and in the cities of Patna, Dacca, and Moorshedabad, shall be defrayed by the native merchants, traders, and shopkeepers, who either reside or have houses of trade, golahs, or shops in any town or village, or in any gunge, bazar, or haut, or elsewhere in such zillahs or cities.

Collectors to prepare a statement of the amount of all the sayer collections formerly made in each pergunnah in their respective zillahs.

IX. The Collectors shall prepare without delay a statement of the sayer collections of every description, including the chundenah, formerly made in the towns, gunges, bazars, villages, or hauts (whether held in open or other places), or elsewhere, both in the lands paying revenue to Government, and in the lands held exempt from the payment of revenue, in each pergunnah in their respective zillahs; excepting only the collections arising from orchards, pasture ground, and fisheries, denominated phulkur, bunkur, and julkur, and (in the zillahs of Behar proper and Beerbhoom) the collections made from the pilgrims resorting to Gya and Deogur. The accounts on which the deductions and compensations were granted to the proprietors of land upon the abolition of the sayer, shall be taken as the standard of the former annual sayer collections in the lands paying revenue to Government. The accounts upon which the compensations have been made to the proprietors of lands, gunges, bazars, and hauts, held exempt from the payment of public revenue, shall be adopted as the standard of the former annual sayer collections in such estates and property; and in cases where no such accounts have been received, from the accounts that the Collectors may procure from the holders of the said estates and property, who are hereby required to furnish the actual accounts of such collections.

The sum to be raised in each pergunnah towards defraying the expense of the police of the zillah.

X. The sum which may be estimated to be necessary for defraying the expense of the police of each zillah annually, with an excess of five per cent. to answer contingencies and failures in the collections, shall be raised upon the native merchants, traders, and shopkeepers, either residing, or having houses of trade, golahs, or shops in the several pergunnahs. The amount to be raised in each pergunnah shall be calculated as follows: As the total of the annual sayer collections particularized in Section IX. made in the zillah, is to the total of the sum annually required for defraying the expense of the police of the zillah, so is the amount of the annual sayer collections formerly made in each pergunnah to the sum to be assessed upon the merchants, traders, and shopkeepers, residing or having houses of trade, shops, or golahs therein.

Rule for assessing the police tax upon the cities of Patna, Dacca, and Moorshedabad.

XI. The Collectors of the zillahs of Behar proper, Dacca Jelalpore, and Moorshedabad, shall assess the amount of the estimated annual expense of the police establishments for the cities of Patna, Dacca, and Moorshedabad, with an excess upon such estimate of five per cent. to answer contingencies and failures in the collections, upon the merchants, traders, and shopkeepers residing in each of the wards into which the Magistrates of those cities are directed to divide their respective jurisdictions by Section XXVI., Regulation XXII. 1793, in proportion to the estimated extent of the dealings of the merchants, traders, and shopkeepers residing in each ward, according to the best information of the same that can be obtained by inquiry from the principal merchants, traders, and shopkeepers in the city; but no Collector is to require any merchant, trader, or shopkeeper to produce his books, or to state the amount of his capital or the extent of his concerns in trade.

Collectors to nominate assessors to assess the police tax on the several pergunnahs and wards.

XII. The Collectors of the several zillahs, by the first day of the last month of the year of the era according to which the revenues of their respective zillahs are paid, shall appoint a number of the most creditable merchants, traders, and shopkeepers in each pergunnah, to assess the amount of the tax to be raised in the pergunnah for the following year. At corresponding periods, the Collectors of the zillahs of Behar proper, Dacca Jelalpore, and Moorshedabad, respectively, shall nominate a number of the most creditable merchants, traders, and shopkeepers in the cities of Patna, Dacca, and Moorshedabad, to assess the amount of the tax for the ensuing year on each of the wards comprized in those cities.

Nominations when to take place.

Number of assessors to be appointed in each pergunnah and ward.

XIII. The number of merchants, traders, and shopkeepers, to be appointed for the assessment of the tax in each pergunnah in the several zillahs, and in each ward in the cities of Patna, Dacca, and Moorshedabad, shall not exceed six nor be less than three. They shall be appointed by a commission under the official seal and signature of the Collector, which shall be written in the

Bengal and Persian languages in Bengal and Orissa, and in the Persian language, and in the Hindostanee language and Nageree character, in Behar. The commission shall be to the following effect:

Form of the commission for the appointment of the assessors.

" I, A. B., Collector of the zillah of ...., in virtue of the powers " vested in me by Regulation XXIII. 1793, appoint you (names of the " assessors) to assess the tax to be raised from the pergunnah of ...., " (or the ward of ...., in the city of ....), towards defraying the " expense of the police of the zillah of .... (or the city of ....), " for the Bengal (or Fussily or Willaity) year ...... You will accordingly " proceed to assess upon the merchants, traders, and shopkeepers, residing " or having houses of trade, golahs, or shops in the said pergunnah (or ward) " the sum of sicca rupees ...., being the proportion of the police tax " to be raised from the pergunnah (or ward) of .... for the year above- " mentioned."

Oath to be taken by the assessors.

XIV. The persons so appointed, previous to proceeding to the assessment of the tax, shall take and subscribe the following oath before the Collector or the Cauzy of the pergunnah or city in which they are appointed assessors; or in the event of the absence of the Cauzy, or of there being no such officer stationed in the pergunnah or city, such other person as the Collector may commission to administer it:

" I, A. B., appointed to assess the police tax for the year ......, in the per- " gunnah (or ward) of ...., swear, that I will assess the tax upon the " merchants, traders, and shopkeepers, residing or having houses of trade, " golahs, or shops therein, fairly and impartially, so that each individual shall " be assessed in proportion to the extent of his dealings in such pergunnah or " ward, according to the most accurate estimate that I may be able to form of " the same, either from my own knowledge of his concerns or from the best " information which it may be in my power to obtain respecting them, by " inquiries from others."

Assessors entitled to be exempted from taking the oath to subscribe a solemn declaration.

XV. If any person who may be included in such commission shall be of a rank or caste that would entitle him to be exempted from taking an oath in a court of justice, and shall object to taking the above oath, he shall make and subscribe a solemn declaration to the same effect.

Fine to be imposed upon persons nominated assessors, who may refuse to act without shewing good cause for their refusal.

XVI. If any person who shall be nominated by the Collector to assess the tax in any pergunnah or ward shall refuse to allow his name to be inserted in the commission, the Collector shall nominate another person, and shall immediately levy from the person so refusing a fine according to his situation and circumstances, but in no case exceeding one hundred rupees; and to enforce payment of it, should payment be refused upon his delivering to the party a written demand for the amount, under his official seal and signature, by the same process by which he is empowered to exact payment of arrears of revenue, unless the said person shall show good cause for his refusal, such as real indisposition, or other unavoidable impediment to his acting in the commission.

How such fines are to be appropriated.

All fines that may be so imposed by the Collectors under the authority vested in them in this section, shall be appropriated towards the payment of the expense of the police of the zillah or city in which they may be levied.

XVII. By

Statement of the estimated expense of the police of each zillah or city for each year, and the distribution of it upon each pergunnah and ward, to be fixed up in the court-room of the Dewanny Adawlut, and in the office of the Collector, by the date prescribed for the appointment of the assessors in Section XII.

XVII. By the date on which the assessors are required to be appointed, the Collectors shall have prepared a statement shewing the estimated expense of the police of the zillah or city, and the amount of the tax which is to be raised upon each pergunnah or ward for the ensuing year. This statement shall be fixed up in the court of Dewanny Adawlut of the zillah or city by the said date, and in the office of the Collector, and shall be written in Bengal in the Bengal and Persian languages, and in Behar in the Persian language, and in the Hindostanee language and Nageree character, and shall be attested by the official seal and signature of the Collector.

Court of Dewanny Adawlut to lower the assessment upon any pergunnah or ward which may be over-assessed.

XVIII. If the merchants, traders, and shopkeepers in any pergunnah or ward shall be of opinion that the amount assessed upon such pergunnah or ward is excessive, in comparison with the sum assessed upon the other pergunnahs or wards in the same zillah or city, they shall be at liberty to state their objections to such assessment to the Dewanny Adawlut of the zillah or city; the Judge of which court shall immediately proceed to try such objections, and to confirm or lower the assessment according as he may deem equitable upon a consideration of the circumstances of the case. If the court shall confirm the assessment on such pergunnah or ward, the costs of suit shall be added to the sum to be raised upon it for the expense of the police. If the court shall lower the assessment, the costs of suit shall be defrayed by Government, and the order of the court to the Collector to pay the costs shall be his voucher for disbursing the amount and inserting it in his accounts. Provided, however, that if in the last-mentioned case it shall appear to the court that the over-assessment of such pergunnah or ward proceeded from the Collector not having made the necessary inquiries, or taken the proper steps to enable him duly to apportion the assessment, or from his having departed from the rules prescribed in this Regulation for the distribution of it, or from his having knowingly over-assessed the pergunnah or ward, the court shall decree the costs to be paid by the Collector.

Costs of suit by whom to be paid, in the event of the court lowering or confirming the assessment.

Complaints preferred to the court of the over-assessment of any pergunnah or ward by whom to be defended.

XIX. All complaints that may be brought before the courts of Dewanny Adawlut by the merchants, traders, and shopkeepers of any pergunnah or ward under Section XVIII, shall be defended by the Vakeel of Government on the part of the Collector, who shall furnish him with the necessary instructions for that purpose. Provided, however, that no appeal against the amount of the tax assessed upon any pergunnah or ward shall be received by the courts of Dewanny Adawlut, unless the same be presented within one month after the assessment of the tax on the several pergunnahs or wards in the zillah or city shall have been fixed up in the court-room of the Dewanny Adawlut, as prescribed in Section XVII. If any appeal shall be presented against such assessment after the period limited, it shall be rejected, and the merchants, traders, and shopkeepers shall contribute the amount so assessed upon the pergunnah or ward for that year.

Period limited for appealing to the Dewanny Adawlut of the zillah against the assessment imposed upon any pergunnah or ward.

Assessors when sworn in, or after having subscribed the declaration, to proceed immediately to assess the tax.

XX. When the assessors of the tax imposed upon each pergunnah or ward have received their commissions and taken the prescribed oath, or in the cases authorized, subscribed, in lieu of it, the required declaration, they shall proceed immediately to assess all the merchants, traders, and shopkeepers residing, or having houses of trade, golahs, or shops in the pergunnah or ward, in proportion to the extent of their respective dealings in such pergunnah or ward, according to the most accurate estimate they may be able to form of the same, either from their own knowledge of their concerns or from the best information they may be enabled to obtain regarding them from others. The assessors shall not require any person to produce his books, or to give in a statement of his trade or concerns. Provided, however, that if any merchant, trader, or shopkeeper shall, of his own free will and accord, exhibit his books or statements of his concerns to the assessors, they shall examine such documents, and if satisfied of their authenticity, assess such person accordingly.

Assessors not to require any person to produce his books or to deliver statements of his concerns, but to examine such documents if voluntarily exhibited.

XXI. When the assessors have completed the assessment, they shall attest the record of it with their seals and signatures, and shall fix up in some conspicuous place in the office of the Darogah of the police jurisdiction at the principal town, gunge, or bazar in the pergunnah; or (in the cities of Patna, Dacca, and Moorshedabad) in the office of the police Darogah of the ward, in the Bengal language in Bengal or Orissa, and in the Hindostanee language and Nagaree character in Behar, the detail of the assessment, containing the names of the contributors, the place of their residence, and the sum which they are to contribute for the year. The amount to be paid for the year by each individual shall be collected in four quarterly payments, and the payment for each quarter shall be made in advance on the first day of the quarter.

Assessors to sign and seal the record of the assessment, and fix it up in the office of the police Darogah at the principal place in the pergunnah, or in the office of the Darogah of the ward.

Tax to be paid quarterly and in advance.

XXII. The Darogahs of the police jurisdictions in the zillahs in whose office the record mentioned in Section XXI. may be fixed up, shall record in their monthly reports the day on which it may be so affixed. The Darogahs of the wards in the cities of Patna, Dacca, and Moorshedabad, on the morning following the day on which such record shall be fixed up in their respective wards, shall report the occurrence to the Cutwal, who on the same day shall communicate it to the Magistrate, that the date on which the record may be so fixed up may be entered in his office. The Darogahs of the jurisdictions in the zillahs, and of the wards, are to insert at the top of the record the date on which it may be fixed up in their respective offices, on the day on which it may be so affixed.

Darogahs in the zillahs to enter in their reports the date on which the record of the assessment may be fixed up in their office.

Darogahs of the wards to report the fixing up of the record on the following morning to the Cutwal, who is to inform the Magistrate.

Darogahs in the zillahs and wards to insert at the top of the record the date on which it may be fixed up on the day on which it may be so affixed.

XXIII. No person shall pay a greater sum towards defraying the expense of the police than may be specified to be assessed upon him in the record of the assessment signed, attested, and fixed up as prescribed; and no payment whatever shall be made by any person whose name may not be inserted in such record; and no person shall be liable to contribute any sum whatsoever for defraying the expense of the police, until the record containing the detail of the assessment to be paid by the merchants, traders, and shopkeepers of the pergunnah or ward shall have been attested and fixed up, as directed in Section XXI.

No person to pay a greater sum than is specified to be assessed upon him in the record.

Persons whose names are not in the record, not liable to pay any thing.

No persons liable to pay any thing until the record is fixed up as directed in Section XXI.

XXIV. If any merchant, trader, or shopkeeper shall be of opinion, that the sum which may be assessed upon him exceeds what he ought to pay, compared with the assessment on other merchants, traders, or shopkeepers, residing or having houses of trade, golahs, or shops in the same pergunnah or ward, he shall be at liberty to state his objections to the assessment to the court of Dewanny Adawlut of the zillah or city, and the Judge shall try the complainant's objections, and either confirm or lower the assessment, as may

Individuals deeming themselves over-assessed, at liberty to appeal to the court of Dewanny Adawlut.

Costs by whom to be paid, in the event of the court confirming or lowering the assessment upon the complainant.

appear to him equitable. If the court shall confirm the assessment, the person so complaining shall pay the costs of the suit; if the assessment shall be lowered, the costs shall be paid by the Collector from the police fund, and the order of the court to pay such costs shall be the voucher of the Collector for disbursing the amount and inserting it in his accounts; but if, in the last-mentioned case, it shall appear clearly to the court that the over-assessment of the complainant proceeded from the assessors not having made the necessary inquiries, or taken the proper steps to enable them duly to apportion the assessment, or from their having departed from the rules prescribed in this Regulation for the distribution of it, or from their having knowingly over-assessed such person, the court shall decree the damages to be paid by the assessors from their private funds.

Period limited for preferring suits under Section XXIV.

XXV. Provided, however, that no complaint shall be received from any merchant, trader, or shopkeeper, under Section XXIV., unless it be presented to the court of Dewanny Adawlut of the zillah or city within one month after the date on which the record of the assessment may have been fixed up in the cutcherry or office of the Darogah of the jurisdiction or ward. If any such appeal shall be preferred after the limited period, it shall be rejected, and the person preferring it shall contribute the amount so assessed upon him for the year.

Suits instituted under Section XXIV. by whom to be defended.

XXVI. All suits that may be instituted in the courts of Dewanny Adawlut under Section XXIV., shall be defended by the Vakeel of Government on the part of the Collector, who shall furnish him with the requisite instructions for that purpose, previously obtaining from the assessors any information that may be necessary for the defence of the suit.

When complaints of over-assessment are preferred under Section XVIII. or XXIV., the complainants are to pay the assessment against which they appeal until the decision of the court is passed, from which time they are to pay according to the decision.

XXVII. If the merchants, traders, and shopkeepers of any pergunnah or ward shall appeal to the court of Dewanny Adawlut, under Section XVIII., against the amount of the assessment imposed upon such pergunnah or ward, or if any individual merchant, trader, or shopkeeper shall appeal, under Section XXIV., against the amount of the tax imposed upon him by the assessors, the merchants, traders, and shopkeepers, in the first case, shall contribute the amount assessed upon the pergunnah or ward by the Collector, and the individual merchant, trader, and shopkeeper, in the second case, shall discharge the amount of the tax imposed upon him by the assessors, until the court to which they may respectively appeal shall pass a decision. In both cases, if the court shall order the assessment to be lowered, the parties complaining shall have refunded to them by the Collector the excess which they may have paid, and for the remainder of the year they shall pay according to the decision of the court.

Resumed police allowances, and the excess of collections in the preceding year, to be deducted from the estimate of the expense mentioned in Section X.

XXVIII. The amount of all allowances, either in money or arising from the produce of lands, that may have been made to the proprietors of land for keeping up police officers, and which have been or may be resumed under Clause Fourth, Section VIII., Regulation I. 1793, and also any excess that may have been realized in the preceding year, either from the police tax, or from fines levied under Section XVI., over and above the disbursements of the year, are to be deducted from the estimate (directed to be prepared in Section X.) of the annual expense of the police of the zillah or city in which such allowances, excess, or fines may have been resumed, realized, or levied, and the remainder only is to be raised upon such zillah or city.

By whom the police tax is to be collected.

XXIX. If the assessors of the tax shall be willing to undertake the collection of it in their respective pergunnahs or wards, the Collector shall furnish them with a written authority for that purpose under his seal and signature. If they decline the collection of the tax, the Collector shall commit the levying of it to the Tehseeldar, or any other competent officer (provided he be not a police officer), stationed in the pergunnah or ward on the part of Government. If there be no such officers besides the police officers in any pergunnah or ward, the Collector shall appoint officers with the necessary establishment for the collection of the tax, and the expense of such establishments shall be defrayed from the general police fund of the zillah or city. If the disbursements on account of the police of any zillah, or either of the three cities, shall exceed the amount of the sums realized and brought to the credit of the fund for that year, the deficiency shall be paid by Government; but the Collector of the revenue, to whom the collection of the tax in the zillah or city in which such deficiency may arise may be committed, shall be careful to make an adequate addition to the assessment in the following year.

Deficiency in funds how to be made good.

Assessors to send a copy of the record of assessment, with the date on which it was fixed up in the office of the Darogah of the jurisdiction or ward, to the *Collector*.

Collector to send a copy to the Judge.

XXX. The assessors of the tax in each pergunnah and ward shall transmit a copy of the record of the assessment, with an indorsement specifying the date on which it was fixed up in the office of the Darogah of the jurisdiction or ward, attested with their seals and signatures, to the Collector of the zillah, who shall immediately send a copy to the Judge of the court of Adawlut, in order that both the court and the Collector may at all times be able to ascertain the amount payable by each individual in the several pergunnahs, and that the court may know when the period for receiving appeals from the assessment is expired.

Balance of the annual tax due from persons deceased, to be made good by the persons to whom their property may devolve.

XXXI. If any merchant, trader, or shopkeeper shall die, leaving a balance due from him on account of the police tax for the year, the person or persons who may succeed to his property shall make good the amount.

Balance of tax how to be collected from contributors removing from or discontinuing their dealings in any pergunnah or ward.

XXXII. If a merchant, trader, or shopkeeper shall remove from one pergunnah or ward to another, or discontinue his dealings in any pergunnah or ward, without discharging the amount of the police tax which may have been assessed upon him for the year, the person or persons appointed to collect the tax in the pergunnah or ward from which such person shall have removed, or in which he shall have so discontinued his dealings, shall send notice of the circumstance to the Collector of the zillah, who shall cause the arrear to be collected from such person by the Collectors of tax in the pergunnah or ward in which he may reside.

Contributors not bound to pay their quarterly contributions, unless receipts be given to them at the time they present the money for payment.

XXXIII. The persons to whom the collection of the tax in each pergunnah or ward may be committed shall give a receipt to every merchant, trader, shopkeeper, or his agent, for the amount of his quarterly contribution at the time it may be paid. No persons shall be bound to pay their quarterly contribution, or any part of it, unless at the time they present the money for payment a receipt for the amount be immediately given to them.

Assessors or Collectors of the tax empow-

XXXIV. If any merchant, trader, or shopkeeper shall refuse to pay the amount and to distrain and sell the property of contributors omitting or refusing to pay the tax, under the restrictions and subject to the penalties herein specified.

amount of the tax assessed upon him for the year by the assessors, and the amount of his contribution shall have been specified in the record of the assessment, and the record shall have been fixed up in the office of the Darogah of the police jurisdiction or the ward, as prescribed in Section XXI., the person or persons to whom the collection of the tax may be committed shall cause his property to be distrained and sold for the liquidation of the arrears, under the several rules and restrictions prescribed to landholders and farmers of land for the recovery of arrears of revenue in Regulation XVII. 1793; with this difference, however, that in all cases in which the person or persons entrusted with the collection of the tax, upon being convicted in the Dewanny Adawlut of exacting from any individual more than he is bound to pay, shall refund to the party from whom such exaction shall have been made twice the amount of such exaction, with all costs of suit, and shall make good the amount of the refund and costs from their own property; and further, that whenever such Collector or Collectors shall do any act in distraining for arrears of the tax, which if done by any person distraining for arrears of revenue would subject such distrainer to forfeit the arrears, such Collector or Collectors shall make good to Government the amount of the arrears forfeited by such illegal act, besides paying to the party injured the damages or costs of suit which may have been awarded to him by the court in which the prosecution on account of such act may have been instituted.

If the accounts mentioned in Section IX. should hereafter give a disproportionate assessment on any pergunnahs, the Collectors to inform the Governor General in Council, and to suggest some other rule for the assessment of such pergunnahs or their zillahs at large.

XXXV. If, from the future improvement or decline of any pergunnah or pergunnahs, or other cause, the accounts which the Collectors are directed in Section IX. to assume as the standard for apportioning on each pergunnah the amount to be raised upon their whole zillah, shall hereafter give an assessment on any pergunnah or pergunnahs disproportionate to the extent of the dealings of the merchants, traders, and shopkeepers, residing therein, they shall report the circumstances to the Governor General in Council, and suggest any other rule that may appear to them preferable for regulating the annual assessment upon such pergunnah or pergunnahs, or their zillah at large, so that, as far as may be practicable and necessary, the sum to be paid by the contributors, respectively, may be in proportion to the extent of their commercial concerns.

Collectors to report all allowances formerly made to the landholders for the police, with their opinion as to the equity of resuming the whole or part of them.

XXXVI. The Collectors are to report all allowances that may have been made to the proprietors of land for keeping up police establishments, either by deductions from their jumma, or by permitting them to appropriate the produce of lands for that purpose, or in any other mode, which may not have been already resumed, with their opinion how far the whole or any portion of such allowances can with equity be resumed, in consequence of the proprietors of land being exonerated from the charge of keeping the peace, as declared in Regulation XXII. 1793.

Annual statement of the police assessment to be transmitted to the Board of Revenue by the Collectors* of the zillahs.

XXXVII. By the expiration of the second month of the ensuing and every future Bengal, Fussily, and Willaity years, the Collectors in Bengal, Behar, and Orissa, respectively, are to transmit to the Board of Revenue a statement in the following form, exhibiting the names of the pergunnahs in their several zillahs alphabetically arranged, the amount to be raised on each to defray the charges of the police for the year, and the names, with a description of the persons to whom the collection of it may be committed.

Form.

STATEMENT *of the Names of the Pergunnahs in the Zillah of ...., the Amount assessed upon each Pergunnah for defraying the Expense of the Police for the Year ...., and the Names and Descriptions of the Collectors of the Assessment.*

Names of the Pergunnahs.	Amount of the Assessment.	Names of the Collectors of the Assessment.	Description of the Collectors.
	Rupees.		
Akberpore	300	Azeem Ullah, and Kaumchund.	Assessors of the tax on the pergunnah.
Barbukabad	500	Ramsing.	The Tehseeldar.
Cossimpore	200	Mohummud Danish.	Appointed for the express purpose of collecting the tax.

XXXVIII. The Collector of the zillah of Behar proper, at the expiration of the second month of the ensuing and every future Fussily year, and the Collectors of the zillahs of Dacca Jelalpore and Moorshedabad, at the expiration of the second month of the ensuing and every future Bengal year, shall transmit a similar statement to the Board of Revenue in the following form:—

Annual statement of the police assessment in the three cities to be sent to the Board of Revenue by the Collectors of Behar proper, Dacca Jelalpore, and Moorshedabad.

Form.

STATEMENT *of the Names of the Wards in the City of ...., the Amount assessed upon each Ward for defraying the Expense of the Police for the Year ...., and the Names and Descriptions of the Collectors of the Tax.*

Names of the Wards.	Amount assessed upon each Ward.	Names of the Collectors of the Assessment.	Description of the Collectors.
	Rupees		
Ameen Tolah	500	Bode Sing, Ramanund,	Assessors of the tax on the ward.
Baker Gunge	300	Asmutullah,	Appointed for the express purpose of collecting the tax.

XXXIX. The Collectors in Bengal, Behar, and Orissa, respectively, are to correspond with the Governor General in Council on all matters relating to the assessment and collection of the police tax for the remainder of the current Bengal, Fussily, and Willaity years. From the commencement of the ensuing year of the era according to which the revenues of the several zillahs are collected, the Collectors are to correspond with the Board of Revenue respecting the assessment and collection of the annual police tax directed to be assessed by this Regulation, and to assess and collect the same under their control and superintendence.

Collectors of the several zillahs to correspond with Government respecting the police tax until the end of the Bengal, Fussily, and Willaity years 1200, and after those periods with the Board of Revenue, under whose control and superintendence they are thenceforth to assess and collect the annual tax for the police.

A.D. 1793. REGULATION XXIV.

A REGULATION *for re-enacting, with Modifications, the Rules passed by the Governor General in Council on the 10th June 1791; for determining the Continuance or Discontinuance of the Pensions heretofore paid by the Proprietors and Farmers of Land, but included in the Jumma or Revenue payable to Government at the decennial Settlement, and also of the Pensions heretofore paid from the Sayer abolished:* PASSED *by the Governor General in Council on the 1st May 1793 (corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree).*

I. THE following rules are prescribed for determining the continuance or discontinuance of the pensions heretofore paid by the proprietors and farmers of land, but included at the decennial settlement in the jumma or revenue of Government, and also the pensions heretofore paid from the sayer abolished, and for securing to persons adjudged entitled to pensions under this Regulation, the regular payment of their pensions.

What pensions are to be continued.

II. All pensions received by virtue of sunnuds granted previous to the Company's accession to the dewanny, or since granted with the sanction of Government, shall be continued during the lives of the grantees. In instances in which the amount received may have been less than the amount specified in the sunnud, the former only is to be continued as heretofore.

What to be discontinued.

III. No pensions received without a sunnud, or under sunnuds granted since the Company obtained the dewanny without the sanction of Government, shall be continued, unless the persons receiving the pensions be real objects of charity, or unless they received them before the commencement of the Bengal, Fussily, or Willaity year 1179 (in Bengal, Behar, and Orissa, respectively), and have since continued to receive them; in which case, the pensions heretofore received are to be continued during the lives of the present pensioners.

Pensions not to be continued to descendants of original grantees without the sanction of the Governor General in Council.

IV. If the persons to whom the pensions were originally granted be deceased, the allowances are not to be continued to their heirs or descendants without the sanction of the Governor General in Council; and no pension, after the death of the party now entitled thereto, shall be hereafter continued to his descendants without the like sanction, whether the grant be, according to the terms of it, hereditary or otherwise.

Claims to pensions to be preferred to the Collector of the zillah,

V. All persons deeming themselves entitled to pensions heretofore paid by proprietors or farmers of land, and now included in the jumma of Government, or to pensions heretofore received from the sayer abolished, are required to prefer their claims to the Collector of the zillah in which they received the pensions. The Collector, under the rules above laid down and such as may be hereafter prescribed, is authorized to decide on the claims preferred to him, to the amount of fifty sicca rupees per annum, but no further, subject to an appeal, within one month from the date of the decision, to the Board of Revenue; and to a further appeal from their decision, within the same period, to the Governor General in Council.

and decided on by him to the amount of fifty sicca rupees per annum; subject to appeal to the Board of Revenue and the Governor General in Council.

VI. The

Collectors to keep separate proceedings, and submit a monthly abstract to the Board of Revenue.

VI. The Collectors are to keep separate proceedings on the subject of the pensions to which this Regulation relates, and submit a monthly abstract of them to the Board of Revenue.

To submit proceedings on pensions exceeding fifty sicca rupees per annum, with opinion, to the Board of Revenue, for the orders of the Governor General in Council.

VII. The Collectors are to transmit their proceedings on all claims to pensions exceeding fifty sicca rupees per annum, including their opinion on each case, to the Board of Revenue, who are to submit the proceedings, with their sentiments on the several claims, for the orders of the Governor General in Council.

No pensions to be paid until decreed.

Judgments of Collectors for pensions to be reported to the Board of Revenue.

VIII. The Collectors are restricted from paying any pensions not already authorized, until they or the Board of Revenue shall have decreed a right thereto, agreeably to Section V., or shall have received notice of their being allowed by the Governor General in Council under Section VII.; and on passing a judgment for any pension, they are immediately to report the same to the Board of Revenue.

To what pensions these rules are not applicable.

IX. These rules are not to be considered to apply to any pensions excepting such as were heretofore paid by the landholders, and are now included in the jumma of Government, or which were received from the sayer abolished.

Certificates to be delivered to persons to whom pensions may be adjudged.

X. The Collectors, on adjudging any pension not exceeding fifty sicca rupees per annum, or on receiving intimation of the decision of the Board of Revenue, on appeal, for a pension not exceeding this sum, or on being informed of the Governor General in Council having ordered the continuance of pensions of a larger amount referred to him, shall deliver to the party entitled to the pension adjudged a certificate stating the amount of the pension, the title of the party thereto during his or her life, the ground of such title, and whether admitted by himself, by the Board of Revenue, or by the Governor General in Council, with the date of such admission.

Also for pensions already authorized.

XI. A similar certificate is also to be given for all such pensions as may have been authorized by the Governor General in Council, and for which certificates may not have been already granted.

Register of certificates to be kept.

XII. The Collectors, at the time of granting the certificates ordered in Sections X. and XI., are to number and register them in an English and Persian register to be kept for this purpose; and they are to be careful to note therein, also, such personal identifications of the parties receiving the certificates, as may detect any future attempt to transfer them to others.

Pensions to be paid quarterly.

XIII. The annual amount of the pensions is to be issued in quarterly proportions, *viz.* on the last day of the third, sixth, ninth, and twelfth months of the Bengal, Fussily, and Willaity years, respectively, for the preceding three months.

Rule for payment of pensions exceeding fifty rupees per annum, by the Collectors.

XIV. All persons receiving pensions exceeding fifty sicca rupees per annum, are to attend the Collectors in person at the stated periods, to receive the amount of their respective pensions, and the Collectors are prohibited from issuing any pensions excepting to the parties personally, unless they shall be disabled from attending by illness, or other sufficient cause, of which satisfactory proofs shall be exhibited. The Collectors, on being satisfied of the inability of the parties to attend in person, are permitted to issue the pensions to their authorized Vakeels; but they are to take due precautions to prevent impositions after the death of the pensioners, and in the event of any pension not being claimed within six months after it may become payable, they are to ascertain whether the party who received it be deceased, and report accordingly.

Rule for payment of pensions not exceeding fifty rupees per annum by Cauzies.

XV. All pensions not exceeding fifty sicca rupees per annum are to be paid by the Cauzy of the pergunnah in which the pensioners may reside, the Collector supplying him quarterly with the funds necessary for that purpose, and furnishing him with a list of the persons entitled to such pensions. In issuing these pensions, the Cauzies are to be guided by the same rules and restrictions as are prescribed to the Collectors by Section XIV., respecting the pensions exceeding fifty rupees per annum, which are to be paid to the pensioners immediately from their treasury. The Cauzies are to take receipts from the pensioners for their respective allowances, and transmit them to the Collector. They are to report to the Collector the death of any pensioner, the payment of whose allowance may have been entrusted to them; and any Cauzy who shall issue a pension without taking the prescribed precautions to ascertain that the person entitled thereto is in existence, or appropriate to his own use the allowance of any pensioner, or continue to any person not entitled thereto the allowance of a deceased pensioner, with whose demise there shall be satisfactory grounds for believing he was acquainted, shall be liable to be dismissed from his office, upon such misconduct being proved to the satisfaction of the Governor General in Council.

To whom the payment of pensions not exceeding fifty rupees per annum is to be committed, where no Cauzies are stationed.

XVI. In districts in which no Cauzies are stationed, the Collectors are to commit the payment of the pensions not exceeding fifty rupees per annum to the Tehseeldar, or other officer of Government who may be stationed in the pergunnah or village where such pensioners may reside, or if there be no such officer, to any trustworthy person in the neighbourhood who may be willing to undertake the trust.

Courts of judicature not to take cognizance of claims to pensions;

XVII. The pensions and allowances to which this Regulation relates being gratuitous, the determining upon the continuance or discontinuance of them under the rules prescribed, is reserved to the Collectors, the Board of Revenue, and the Governor General in Council, and claims to such pensions and allowances are declared not cognizable in any court of judicature; but if a Collector or a Cauzy, or any person entrusted with the payment of pensions under this Regulation, shall withhold from any pensioner the pension to which he or she may be entitled, in virtue of a certificate granted under Section X. or XI., the Collector or person withholding the pension shall be liable to be sued for such act in the Dewanny Adawlut of the zillah or city in which the pension may be payable. The court, provided proof be made to its satisfaction that the complainant conformed to the rules herein prescribed to pensioners respecting the receipt of their pensions, and the person complained against cannot show good and sufficient cause, to the satisfaction of the court, for having withheld the pension, the court is to order it to be discharged, and compel the Collector or other person by whom the pension may have been withheld, to pay to the complainant such sum for costs as may appear to it equitable.

but they may hear complaints against a Collector, or any person, for withholding the payment of pensions which may have been adjudged.

A. D. 1793. REGULATION XXV.

A REGULATION *for the Division of Estates paying Revenue to Government, and for allowing two or more Proprietors of Shares of an Estate to hold their Shares as a joint undivided Estate:* PASSED *by the Governor General in Council on the 1st May 1793 (corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree.)*

I. IN dividing landed property paying revenue to Government into two or more distinct estates, the share or shares comprized in each estate should be rendered as compact as circumstances may admit, in order to obviate the disputes regarding boundaries, water, and other matters, which necessarily result where the lands belonging to different estates circumscribe each other or are intermixed, and which, by obstructing the cultivation, and consequently depreciating the value of the property, are equally prejudicial to the interests of the proprietors and to those of the public. Justice to the sharers, and the security of the resources of the state, require likewise that the fixed public revenue should be apportioned on each of the estates into which the property may be divided, agreeably to the rules prescribed in Regulation I. 1793. For this purpose, the officers of Government appointed to make the division must have access to the accounts of the gross collections from the property to be divided. The proprietors can have no well-founded objection to the production of these accounts, it being specified in the proclamation contained in Regulation I. 1793, by which the decennial settlement was declared permanent, that Government reserved to itself the power of passing such Regulations for ascertaining the actual produce of lands ordered to be divided as might be deemed expedient; and the limitation of the demand upon each estate in perpetuity, precluding proprietors from being subjected to the payment of any increase of revenue, whatever may be the excess of their receipts from their estates above the assessment which they may have engaged to pay annually to Government. It is also necessary for the convenience of the proprietors of two or more estates, that may have originally formed specific and ascertained proportions of the same zemindarry, talook, or chowdrai, and for preventing the divisions of landed property becoming too numerous and minute, that the proprietors of such estates should be allowed to unite them into one estate. The following rules, applicable to the above considerations, have been accordingly enacted.

Division of estates in the cases specified in this Regulation to be made by the Collector.

II. The division of every zemindarry, independent talook, or other estate, paying revenue immediately to Government, which may be ordered to be divided into two or more distinct estates, and the apportioning of the fixed jumma assessed on the whole of the estate upon the several shares, is to be executed under the superintendence of the Collector of the revenue of the zillah in which the estate may be situated.

Proprietors of a joint estate entitled to have a division of it made at their own expense.

III. If all the proprietors of a joint undivided estate shall be desirous to have their estate divided into two or more separate estates, they are to make a written application for that purpose to the Collector of the zillah, under their respective seals and signatures and attested by four credible witnesses, specifying the shares which belong to them respectively, and whether they are desirous of having separate possession of their respective shares, or whether any two or more of them propose to hold their shares as a joint estate. The Collector is to forward the application to the Board of Revenue, who are empowered to authorize him to divide the joint property into the number of estates requested by the proprietors. All expenses incurred by the division are to be borne by the proprietors, in the proportion which their respective shares may bear to the whole estate. Agreeably to this rule, a proprietor of a sixteenth part, or one anna share, will defray a sixteenth of the expense, and the other sharers in proportion.

One, two, or more of the proprietors of a joint estate entitled to have their shares separated at his or their expense.

IV. *First.* If one, two, or more of the proprietors of a joint estate shall be desirous to have the separate possession of his or their respective share or shares, or if two or more of them shall be desirous to have their shares separated and to hold them as a joint estate, they are to make a written application for that purpose to the Collector of the zillah, under their seals and signatures, and attested by four credible witnesses. The Collector is to forward the application to the Board of Revenue, who are empowered to authorize the Collector to make the division as may be requested by the proprietors. If the division shall be made at the application of one sharer only, he is to pay the whole of the expense attending it. If the division be made at the application of two or more of the sharers, they are to defray the expense in the proportion that each of their respective shares may bear to the aggregate of their shares. Agreeably to this principle, if the estate be divided at the application of three sharers, each entitled to two-sixteenths, or a two annas' share of the whole estate, each sharer is to defray a third of the expense attending the division.

Courts of justice may order the division of an estate in the cases herein specified.

Second. Where any person or persons may succeed to the proprietary right in a portion or the whole of an estate, in virtue of a decree of a court of justice, the court to which the enforcing of the decree may be committed is empowered, upon receiving an application from the proprietor or proprietors to that effect, to issue a precept, under the seal of the court and attested by the Register, to the Collector, requiring him to divide the estate, and (provided it be not held khas or let in farm by Government) to put the parties in possession of the shares to which they may be entitled under the decree. The Collector is to proceed to make the division upon the receipt of the precept, sending a copy of it to the Board of Revenue for their information.

Collectors not to proceed to a division, if all, or any of the parties in possession deny the right of the person or persons applying for the division to the share or shares claimed, until their title be established in the Dewanny Adawlut, or the parties so denying shall admit the title.

V. If one, two, or more persons shall apply to a Collector for the division of an estate, and the separate possession of the share or shares to which he or they may state themselves entitled, and all or any of the persons in the possession of the estate, or any part of it, shall deny, by a writing under his or their seals and signatures and attested by two credible witnesses, the right of such claimant or claimants to the share or shares so claimed; the Collector is not to proceed to the division until he or they shall have established his or their right to such share or shares in the Dewanny Adawlut, or until the party denying such right shall signify to the Collector, by a writing under his or their seals and signatures, and attested by four credible witnesses, that he or they admit the title of the person or persons applying for the division to the share or shares claimed.

Two or more estates which originally formed part of the same zemindarry, &c. may be united and registered as one estate.

VI. If two or more estates that may have originally formed specific and ascertained portions of the same zemindarry, talook, or chowdrai, shall come into the possession of one person, or if one, two, or more persons shall possess two or more shares of any such estate, such person or persons shall be entitled to have such shares united, and to hold them as one estate. Application for the union of estates is to be made to the Collector of the zillah in writing, under the seal and signature of the proprietor or proprietors, and attested by two credible witnesses. The Collector is to forward the application to the Board of Revenue, who are empowered to comply with the application, reporting it to the Governor General in Council, to whom a power is reserved of disallowing the union, in cases in which, from the great extent of the estates proposed to be united, it may appear to him unadvisable. If the union shall take place, the required entry of it is to be made in the register of intermediate mutations in property, as prescribed in Regulation XLVIII. 1793; and in the next quinquennial register, the estates so united are to stand as one estate, and an engagement for the fixed revenue assessed upon it is to be taken from the proprietor or proprietors accordingly.

Each estate to be as compact as possible

VII. When a division of an estate shall be ordered to be made, each of the estates into which the property may be directed to be divided shall be formed of entire and (as far as the situation of the lands, and other local circumstances may admit) contiguous mohauls or villages, so that each estate may be as compact as possible.

Public revenue to be assessed upon each estate, agreeably to the rules herein prescribed.

Rules for selecting the lands to be included in each estate.

VIII. The public revenue is to be assessed upon each estate into which the property may be ordered to be divided, in conformity to the rules prescribed in Regulation I. 1793; but in selecting the mohauls or villages to be included in each separate estate, the advantages or disadvantages arising from situation, the vicinity of roads or navigable rivers, the nature and quality of the soil and produce, the quantity of waste land, the depth at which water may be procurable, the number of tanks, the state of the embankments and water-courses, and every other local circumstance affecting the present, or likely to influence the future value of the lands, are to be duly considered, and the mohauls or villages to be included in each estate fairly and impartially selected accordingly. A strict adherence to the above rule is essential to rendering the division equitable; for if the mohauls or villages containing a large proportion of waste land, and situated in the vicinity of a navigable river or possessing other local advantages, are included in one estate, and the mohauls or villages liable to inundation, or comprising a small proportion of waste land, or situated at a greater distance from a navigable river, or subject to other local disadvantages, are included in another, it is obvious that the selection of the mohauls and villages included in the two estates will not be fairly and impartially made, although the public revenue may be assessed upon each estate agreeably to the rules prescribed in Regulation I. 1793, as far as regards their immediate produce at the time of the division. The former estate will be more valuable than the latter, from being capable of improvement, without being liable to be affected by the calamities of season, whilst the latter will be subject to those calamities, without possessing the same advantages as the former.

Upon a division, proprietors allowed to retain their dwelling-houses and the land immediately attached to

IX. If a dwelling-house belonging to one sharer shall be situated in a mohaul or village which may be included in the estate of another, the proprietor of such them, although situated in the share of another, on paying rent for the land.

house shall be at liberty to retain it, with the offices, buildings, and ground immediately attached to it, upon paying to the proprietor of the mohaul or village an equitable rent for the ground; and the limits of the ground, and the rent to be paid for it, shall be particularized in the paper of partition.

Rules with regard to tanks, embankments, &c.

X. Tanks, reservoirs, water-courses, and embankments, shall be considered as attached to the land for the benefit of which they were originally made. In cases in which, from the extent, situation, or construction of works of this nature, it shall be found necessary to continue them the joint property of the proprietors of two or more of the estates, the paper of partition is to specify, as far as circumstances may admit, the proportion of the benefit which each estate is entitled to derive therefrom, and of the expense of the repairs with which it is to be charged.

and places of religious worship.

XI. Places of worship that may have been held in common previous to the division of a zemindarry or other estate, shall be continued on the same footing; unless the parties shall otherwise agree amongst themselves, in which case they are to signify their determination in writing to the Aumeen, who shall insert it in the paper of partition.

Divisions of estates to be made by an Aumeen to be appointed by the Collector.

XII. When an estate shall be ordered to be divided, the Collector is to appoint a creditable Aumeen to make the division, with such personal allowance and establishment as may appear to him proper, reporting the amount and particulars of each to the Board of Revenue for their approval.

Oath to be taken by the Aumeen.

XIII. *First.* The Collector is empowered and directed to administer the following oath to the Aumeen previous to his proceeding to make the division:

" I, A. B., appointed to make the division of the estate of ...., in " the zillah of ...., solemnly swear, that I will fairly and impartially, and " as expeditiously as may be practicable, make the division of the property, " and apportion the public revenue upon each distinct estate into which it is " directed to be divided, to the best of my knowledge and judgment, according to the Regulations passed by the Governor General in Council; that I " will not directly or indirectly receive, or allow any other person to receive, " any fee, present, or reward whatever, from any of the sharers, or any person " or persons on their behalf, on account of the division, or any matter connected therewith; that I will not derive any advantage or emolument from " my appointment, excepting such as may be expressly allowed to me by the " Collector and approved by the Board of Revenue; and that I will deliver to " the Collector all such papers and accounts as may come into my possession, " respecting the estate which I am appointed to divide."

Penalty for Aumeens convicted of corruption in opposition to their oath.

Second. If the Aumeen shall be convicted before the Dewanny Adawlut of the zillah of receiving, or allowing any other person to receive, directly or indirectly, any money or effects, or other property, from the sharers, or any person or persons on their behalf, in opposition to his oath, he shall be compelled to restore the money or property to the party from whom it may have been received, and to pay a fine of three times the amount or value of it to Government, with all costs to the party prosecuting, and be imprisoned until he shall make good the decree, or the amount of it shall be liquidated by the sale of his property.

Documents with which the Collector is to furnish the Aumeen.

XIV. The Collector is to deliver to the Aumeen a sunnud of appointment, under his official seal and signature, in which are to be specified the name of the estate, the names of the different sharers, their respective proportions, the number of separate estates into which the property is to be divided, and the shares included in each estate, together with a copy of the Regulations under which he is to make the division, and of the entries in the last-formed quinquennial register, or in the subsequent register of intermediate mutations, which may relate to the property to be divided.

XV. Upon the arrival of the Aumeen on the spot, he is to survey in person the different parts of the property, so as to enable him to select the lands to be included in each estate, in conformity to the rules prescribed in Sections VII. and VIII.

Aumeen to survey the different parts of the estate in person.

XVI. The proprietors are to furnish the Aumeen with the accounts of the gross produce of each mohaul and village, and all other accounts or information that he may require, to enable him to assess the public revenue on each of the estates into which the property is to be divided, in conformity to the rules prescribed in Regulation I. 1793.

Proprietors to furnish the Aumeen with the necessary accounts to enable him to allot the jumma on the several shares in conformity to Regulation I. 1793.

The proprietors are to swear to the truth of the accounts before the Aumeen, or if they shall be of the description of persons whom the courts of judicature are empowered to exempt from taking oaths, the Collector is to authorize the Aumeen to receive from them a solemn declaration to the truth of the accounts. If the proprietors shall omit to furnish the required accounts, the persons withholding them shall be liable to such daily fine until they produce them, as the Governor General in Council may judge it proper to impose, upon a consideration of the case and their situation and circumstances in life; and the amount of the fine shall be levied by the Collector by the same process as is prescribed for levying arrears of revenue.

Proprietors to swear to the truth of the accounts, or if exempted from swearing, to subscribe the usual declaration.

Proprietors liable to be fined if they do not produce the accounts.

XVII. The proprietors are likewise to cause the Putwarries, and other zemindarry officers, to attend the Aumeen to explain the accounts, and furnish him with such information as he may require for dividing the estate and apportioning the public jumma, under the penalty of being fined in the same manner as for omitting to produce their accounts. Putwarries refusing to deliver their accounts, or otherwise acting contrary to the rules contained in Section LXII., Regulation VIII. 1793, shall be proceeded against as therein directed.

Proprietors to cause their Putwarries, and other semindarry officers, to attend the Aumeen under the penalty herein prescribed.

Putwarries acting contrary to the rules in Section LXII, Regulation VIII. 1793.

XVIII. When the Aumeen has completed the division of the property and allotted the public revenue on each estate, he is to submit to the Collector the papers of the division and allotment, which are to specify the names of the mohauls or villages included in each separate estate into which the property may have been divided, the gross produce of each mohaul and village for the three years preceding the year in which the division may be ordered to be made, and the proportion of the public jumma which he may have assessed thereon, with such observations regarding the manner in which he may have selected the lands included in each estate, and the accounts from which he may have apportioned the public revenue of them, as may be necessary for the information of the Collector, together with a detail of the adjustment which he may have made respecting the tanks, places of worship, or other matters, specified in Sections IX., X. and XI.

Documents to be delivered to the Collector by the Aumeen when he has completed the division.

Collector, after examining the documents and hearing the objections of the parties, to draw out a paper of partition.

What the paper is to contain.

XIX. The Collector is to examine the documents which may be delivered to him by the Aumeen, and after receiving any objections or remarks that may be offered to him by the sharers in person, or by their Vakeels, he shall draw out a paper of partition, specifying the mohauls or villages included in the several estates into which the property may have been divided, the gross produce of each mohaul or village, the allotment of the public jumma upon each, the name or names of the proprietor or proprietors of each estate, and where an estate is to be held as the joint property of two or more persons, their respective shares in the estate, together with the stipulations that may have been made respecting any of the matters mentioned in Sections IX., X. and XI., and transmit a copy of the paper to the Board of Revenue, with such observations as may be necessary to enable them to judge whether the division of the property, and the allotment of the jumma on each estate into which it may have been divided, have been made agreeably to the Regulations. Previous, however, to forwarding the paper of partition to the Board of Revenue, the Collector is to furnish the sharers with a copy of it, and any objections which they may offer to it are to be forwarded to the Board of Revenue with the paper. The Board of Revenue are empowered to confirm or make such alterations in the division of the property, and the allotment of the public revenue on each estate, or other matters specified in the paper of partition, as may appear to them proper, reporting their determination to the Governor General in Council. The Board of Revenue may order further inquiries to be made before they pass their determination on the division in cases in which it may appear to them necessary.

Copy of the paper to be transmitted to the Board of Revenue, with the Collector's remarks.

Sharers to be furnished with a copy of the partition paper, and their objections to or remarks upon it to be forwarded with the paper to the Board of Revenue.

Board of Revenue may confirm or alter it, or order further inquiries.

Decision of the Board of Revenue to be communicated to the sharers, all or any of whom may appeal from it to the Governor General in Council within six weeks.

XX. The determination of the Board of Revenue on the paper of partition shall be communicated in writing by the Collector to the sharers, who shall be allowed six weeks from the date of the communication to appeal from the determination of the Board of Revenue to the Governor General in Council, whose decision shall be final. The party desirous of appealing is to present his petition of appeal to the Collector or to the Board of Revenue, and the petition is to specify the matters to which the appellant may object.

Collectors to put the parties in possession of their estates when all matters regarding the division have been finally adjusted.

XXI. If all the sharers shall express themselves satisfied with the decision of the Board of Revenue by a writing under their respective seals and signatures, or if none of them shall appeal within the limited time, or (in the event of an appeal having been preferred) upon the receipt of the final decision of the Governor General in Council, the Collector shall put the parties in possession of their respective estates, and immediately make the necessary entries in the register of intermediate mutations, as prescribed in Regulation XLVIII. 1793, after comparing the documents delivered by the Aumeen with the entries regarding the estate in the preceding quinquennial register, and correcting or supplying any errors or omissions that may be discovered in those entries.

Division of estates may be made by the sharers themselves, or by arbitrators, under the inspection of the Aumeen, in the cases herein specified.

XXII. In the cases specified in Sections III. and IV., if all the proprietors of the estate to be divided shall agree to make the division themselves, and to allot the public jumma upon each estate, and to adjust all other matters respecting the division, agreeably to the Regulations, they are to present a petition to that effect under their seals and signatures, and attested by four credible witnesses, to the Collector, who is to issue directions to the Aumeen accordingly. But the proprietors shall produce the required accounts before the Aumeen, and swear or subscribe a solemn declaration to the truth of them; and the division of the lands, and the apportioning of the jumma, and every other matter relating thereto, shall be settled in the presence, and subject to the inspection of the Aumeen, who is to be responsible for the Regulations being in every respect observed. In like manner, if all the proprietors of the estate which may be ordered to be divided in the cases specified in Sections III. and IV. shall agree to refer the division of the estate, and the apportioning of the public jumma, and the adjustment of all other matters respecting the division, to an arbitrator or arbitrators, they shall present a petition to that effect to the Collector, attested by four credible witnesses, and specifying the name of the arbitrator or arbitrators whom they may choose, and where two or more arbitrators are chosen, the name of the umpire. Upon the receipt of the petition, the Collector is to direct the Aumeen to cause the parties to execute arbitration bonds. The proprietors are to produce the necessary accounts before the arbitrators, and to swear or subscribe a solemn declaration to the truth of them before the Aumeen; and the division of the lands, and the allotment of the jumma, and every other matter relating thereto, shall be settled by the arbitrators, in the presence and subject to the inspection of the Aumeen, who is to be responsible for their proceeding according to the Regulations. When the sharers or the arbitrators, in the cases above specified, shall have adjusted the division of the property and the allotment of the public jumma on each estate, and all matters relating thereto, and the whole shall have undergone the revision of the Aumeen, he is to submit all the documents and papers specified in Section XVIII. to the Collector, who, upon the receipt of them, is to proceed in the same manner as if the division had been made without the interference of the parties or the arbitrators; and all the rules contained in this Regulation, regarding divisions made solely by the Aumeen, are to be held applicable to divisions made by the parties or arbitrators, under this section.

Estates, however small, to be rendered as compact as possible.

XXIII. If any landed property ordered to be divided shall not consist of a sufficient number of villages to admit of one or more whole village or villages being included in each estate, the division of the village or villages of which the property may consist, is to be made so as to render each estate into which the property may be divided as compact as possible.

Cases in which the sharers are to draw lots for the lands that are to form their respective estates after the division is finally adjusted.

XXIV. To remove, as far as may be possible, every inducement to fraud or partiality in the division of landed property, it shall be a rule, that where two or more of the estates shall consist of the same proportions of the whole property divided, the parties entitled to them shall draw lots for the divisions, in the public cutcherry, before the Collector, who shall be held responsible that in drawing the lots no unfair means are practised. Agreeably to this rule, if any landed property shall be ordered to be divided into three estates, each consisting of a four annas share, or four-sixteenths; or into three estates, one consisting of an eight annas share, or eight-sixteenths; and the other two, each of four annas, or four-sixteenths of the whole property, after the division and allotment of the public revenue, and every other matter relating to the division, shall have been finally adjusted, the proprietors of the four shares in the first case, and of the two four annas shares in the second, shall draw lots for the divisions; unless they shall settle amongst themselves which division of the property each party is to receive, and present a petition to the Collector, under their respective seals and signatures and attested by two credible witnesses, specifying the divisions which each of them may have agreed to take, in which case the Collector shall put them in possession of the divisions which they may respectively select.

Governor General in Council reserves the power of ordering a new allotment of the public jumma, in the event of it being proved to his satisfaction, within three years, that the allotment was fraudulently or erroneously made,

XXV. To guard against collusion or error in the distribution of the public jumma on landed property which may be ordered to be divided into two or more distinct estates, it is declared, that if it shall be proved to the satisfaction of the Governor General in Council, within three years after the parties may have been put in possession, that the jumma was fraudulently or erroneously apportioned at the time of the division, he reserves to himself the power of ordering a new allotment of jumma upon the several estates into which it may have been divided, conformably to the principles prescribed in Regulation I. 1793, upon an estimate of the gross produce of each estate at the time of the division, to be made agreeably to the best evidence and information that may be procurable respecting it; and further, of ordering the parties whose estates may appear to have been under-assessed, to pay the sharers upon whose estates the assessment may have been excessive, the sum of which they may be found to have been defrauded by the over-assessment, and in the event of their omitting to discharge the amount, to cause it to be levied by the Collector, by the process prescribed for the recovery of arrears of revenue.

and to order the parties whose estates may have been over-assessed, to be indemnified by the sharers whose estates may have been under-assessed.

Court of wards to take care that the rights of females, or proprietors disqualified by natural defects or infirmities, are duly attended to in divisions.

XXVI. If any of the sharers in landed property ordered to be divided shall be females not deemed competent to the management of their own estates, or minors, or persons otherwise disqualified for the charge of their own lands, the Collector is to report the same to the court of wards, who are enjoined to be careful that the rights of such proprietors are duly attended to in the division, although his or her share of the property should not be liable, after the division may be finally adjusted, to the operation of Regulation X. 1793.

Parties not attending in person to appoint Vakeels with full powers to act for them.

XXVII. If any of the sharers in landed property ordered to be divided, from indisposition or other cause, shall be unable, or shall not choose to attend the Collector or the Aumeen in person, in the cases required, they are to depute a Vakeel duly appointed, with powers to perform all such acts as they themselves are authorized or required to perform under this Regulation, until the division of the property shall be finally adjusted.

Joint landed property to be held responsible for the payment of the public revenue, until the parties are put in possession of the distinct estates into which it is to be divided.

XXVIII. Landed property, for the payment of the public revenue assessed upon which engagements have been or may be concluded with the proprietors, and that may be ordered to be divided under this Regulation, is to remain under charge of the manager directed to be appointed by the proprietors of joint undivided estates, by Regulation VIII. 1793, and the whole of it is to be held answerable for the payment of the public revenue assessed upon it, until the division shall have been finally adjusted, and the proprietors put into possession of the distinct estates into which it may be ordered to be divided.

Rules respecting the division of landed property let in farm or held khas by Government.

XXIX. The division of landed property held khas or let in farm by Government, in as much as regards the division of the lands, is to be made agreeably to the rules prescribed in this Regulation, as far as they may be applicable to lands so circumstanced; and the farmer, or the native Collector of the revenue on the part of Government, shall produce all the accounts and papers which they may possess respecting the lands, upon receiving a requisition to that effect from the Aumeen. Such property, when divided, will be subject to the rules contained in Section XI., Regulation I. 1793.

A.D. 1793. REGULATION XXVI.

A REGULATION *for extending the Term of Minority of Mahomedan and Hindoo Proprietors of Land paying Revenue to Government to the Expiration of the eighteenth Year:* PASSED *by the Governor General in Council on the 1st May* 1793 *(corresponding with the 21st Bysaak,* 1200 *Bengal era; the 6th Bysaak,* 1200 *Fussily; the 21st Bysaak,* 1200 *Willaity; the 6th Bysaak,* 1850 *Sumbut; and the 19th Ramzaan,* 1207 *Higeree).*

I. BY the original rules for the decennial settlement of the three provinces, minors were declared disqualified for the management of their estates, and according to the rules for the establishment and guidance of the court of wards passed on the 15th July 1791, and re-enacted with modifications by Regulation X. 1793, the minority of proprietors of land is limited to the expiration of the fifteenth year. In fixing this period, Government were guided solely by legal considerations, the Mahomedan and Hindoo laws, although they prescribe no specific age for the termination of minority, indirectly pointing out the fifteenth year as the time when persons are to be considered competent to the management of their affairs. Instances, however, have recently occurred, that evince the inexpediency of vesting proprietors with the charge of their lands at this early period; and general principles, which have their foundation in human nature, justify the conclusion, that the same effects would result in similar cases that might hereafter occur, were the cause allowed to exist. At this early age, the proprietors must necessarily be unacquainted with the laws and regulations which they are bound to observe in the management of their estates, and their understanding cannot be sufficiently matured to render them sensible that their welfare depends upon their making the acquirement of this knowledge the chief object of their pursuit. Emancipated from the control of their guardians, and with their property at their disposal, they abandon themselves to those pleasures to which their youth naturally inclines them; the management of their estates consequently devolves to favourites or dependents, who are interested in confirming them in habits of dissipation, until they have lost both the capacity and inclination to assume the direction of their own affairs. But the pernicious consequences resulting from the incapacity of the proprietors is not confined to themselves. The cultivators of the soil, and the various orders of people residing upon their lands, suffer equally by the rapacity and mismanagement of their agents, the payment of the public revenue is withheld, and the improvement of the country retarded. It is therefore incumbent on Government, as well with a view to the future welfare of the proprietors of land in general, as to protect the country from the frequent shocks to which it would necessarily be liable from their want of education and early corruption of morals, to extend the term of their minority to an age by which, with due attention on the part of their guardians, they may be rendered qualified for the management of their estates. The following rules have been accordingly enacted.

Period of minority extended to the end of the eighteenth year.

II. The rule contained in Section XXVIII., Regulation X. 1793, which limits the minority of Hindoo and Mahomedan proprietors of estates paying revenue to Government to the expiration of the fifteenth year, is hereby rescinded, and the minority of such proprietors is declared to extend to the end of the eighteenth year.

Rule declared to extend to male proprietors of joint undivided estates.

III. The rule contained in the preceding section is to be considered to extend to proprietors of joint undivided estates, for the management of which a Serberaker or manager is required to be appointed by the proprietors by Section XXIII., Regulation VIII. 1793.

A. D. 1793. REGULATION XXVII.

A REGULATION *for re-enacting, with Alterations and Modifications, the Rules passed by the Governor General in Council on the 11th June and 28th July 1790, and subsequent Dates, for the Resumption and Abolition of the Sayer, or internal Duties and Taxes, throughout Bengal, Behar, and Orissa, and for adjusting and paying the Deductions and Compensations directed to be granted to the Proprietors and Farmers of Estates paying Revenue to Government, and the Holders of Property exempt from the Payment of Revenue to Government, on account of the Duties and Taxes abolished:* PASSED *by the Governor General in Council on the 1st May 1793 (corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree).*

I. THE imposition and collection of internal duties have from time immemorial been admitted to be the exclusive privilege of Government, not exercisable by any subject without its express sanction, and consequently it has ever been a well-known law of the country, that no person can establish a gunge, haut, or bazar, without authority from the governing power. Grants from the sovereign or his representative, delegating this authority, as well as universal tradition, prove that this right was asserted by the Mahomedan Government, and the orders of the Honourable Court of Directors, as well as repeated declarations and promulgations by the British Administrations, demonstrate that this right was constantly asserted by the Company. It was, however, judged advisable to leave the exercise of this privilege to the landholders, Government contenting themselves with imposing general Regulations for the prevention of undue exactions, and occasionally interfering to modify or abolish particular imposts as they occurred or were discovered. Experience having at length proved that prohibitory orders for preventing oppression were not attended with the desired effect, it was determined, on the 11th June 1790, to take from the landholders the power of imposing and collecting duties altogether, and to exercise this privilege immediately and exclusively on the part of Government. The consequences of this measure were expected to be the effectual abolition of many vexatious duties on articles of internal manufacture and consumption, as well as on exports and imports; the suppression of many petty monopolies and exclusive privileges, which had been secretly continued to the great prejudice of the lower orders of people; and, as the natural effects of the reform of these abuses, benefit to trade, and ease to the inhabitants of the country in general. A further consequence expected from the exercise of this privilege was a future opportunity of augmenting the public revenue, in case the exigencies of Government should render it indispensably necessary, without increasing the assessment on the land. But this was a secondary expectation only; the primary objects intended were those first stated, the promotion of commerce and the general relief of the inhabitants. In the adoption of the above arrangements, the Governor General in Council had no intention to divest the landholders of any collections they had made, under the denomination of sayer, not in reality a duty, but a consideration for the use of ground, shops, or other buildings belonging to them. As, however, the rent of warehouses (golahs) and shops (dokans) had, in general, been received by the officers employed to collect the gunge, haut, and bazar duties, and had frequently been let in farm with them, and as the rent paid for orchards, pasture ground, and fisheries, had been sometimes included in the sayer, under the denominations of phulkur, bunkur, and julkur, the Governor General in Council thought it necessary to declare expressly, that it was by no means his intention to include in the resumption of the sayer then ordered, the monthly or annual rents paid for ground, or buildings erected thereon of whatever description, or the phulkur, bunkur, and julkur, such rents being properly the private right of the proprietors, and in no respect a tax or duty on commodities the exclusive right of Government. The principles on which it was determined that a compensation should be made to the parties affected by the discontinuance of the privilege of collecting duties were as follow. Firstly. It having never been lawful to exercise this privilege without the sanction of Government, it followed, of course, that all instances of the exercise of it without such sanction were illegal usurpations, and the usurpers, so far from having any just claim to a compensation, might, without injustice, have been made answerable for the amount unlawfully received by them. As, however, the Company had limited their retrospection, in similar cases, to the period of their accession to the dewanny, this principle was adopted only with regard to collections commenced since that period. Secondly. Government having also always reserved to itself a power of abolishing all duties deemed oppressive, it followed that all collections made contrary to any prohibitory orders of Government were unauthorized exactions, for which no compensation was due to the parties who had benefited by them. Thirdly. The condition of particular persons reduced to distress by the deprivation of the income they had received from duties, though unauthorized, being a separate consideration, unconnected with the question of right, was reserved for determination as cases might occur. Fourthly. The holders of lakheraje land, or land exempted from the payment of public revenue, who had received the sanction of Government to the establishment of gunges, bazars, and hauts, on their lands, or in other words, who had been authorized to exercise the privilege of collecting duties,

duties thereon, were deemed entitled to a full compensation for the resumption of such privilege, adequate to the annual profit they derived from it. Fifthly. The holders of malguzarry land, or land assessed for the public revenue, who had been permitted to collect gunge, baut, bazar, or other duties on their lands, were also considered entitled to a full compensation for the profits they were allowed to enjoy from such collections; and these profits having by a general regulation been limited to one-tenth of their neat receipts, an equivalent to this proportion was considered the compensation due to them.' In pursuance of the principles above stated, the Governor General in Council prescribed such rules, adapted to existing circumstances, as he judged necessary for the immediate guidance of the Collectors and the Board of Revenue in carrying his intentions into effect, in such mode as might secure the objects intended with the least possible injury to the individuals affected thereby. But on the collection of the sayer being committed to the officers of Government, it was found that the exactions were so numerous and complicate, and imposed on such impolitic principles, as to preclude the possibility of regulating them in such a manner as to render them productive to the state, and at the same time to prevent their operating as a burden on the internal commerce and industry of the country. It was, in consequence, determined; on the 28th July 1790, to abolish the sayer collections (with certain specified exceptions) throughout the three provinces, leaving it to future consideration what internal duties or taxes should be imposed in lieu of them. The Governor General in Council deeming it of importance that all the rules which have been passed regarding the sayer collections, since their first resumption on the 11th June 1790 to the present date, should be made as generally known as possible, he has included them in this Regulation, and the several rules passed within that period are to be considered to have operated from the date on which they were respectively passed, and to be still in force, excepting where they shall have been wholly or partially modified, altered, or rescinded by subsequent rules enacted during that period, or by this Regulation, or any other Regulation passed on this date.

Rules for the Resumption of the Sayer, passed on the 11th June 1790.

Taxes and duties to be levied by Government only.

II. *First. Article 1st.* No landholder, or other person, of whatever description, shall be allowed to collect, in future, any tax or duty of any denomination; but all taxes and duties shall be hereafter levied, on the part of Government, by officers duly appointed for that purpose, under such Regulations as may be passed for their guidance.

Rents for the use of land, or for houses erected thereon, not within the above prohibition.

Such rents to be paid to the proprietors as heretofore.

Second. 2d. No monthly or annual payments now made, or which may be hereafter made, for the use of land, or houses, shops, or other buildings erected thereon, being clearly of the nature of rents and not duties or taxes, are to be understood to be within this prohibition, but all such rents are to be enjoyed by the proprietors entitled thereto as heretofore.

Collectors to attend carefully to the above distinctions in resuming gunges, &c.

Third. 3d. The Collectors, in resuming gunges, hauts, and bazars, as already ordered, are to attend carefully to the distinctions contained in the two preceding articles, resuming universally whatever collections come within the first, and avoiding generally any resumption of the rents described in the second.

Collectors to appoint competent persons to

Fourth. 4th. The Collectors are to appoint competent persons to the management of the several gunges, hauts, and bazars, within their respective jurisdictions, with orders to keep the most particular accounts of their receipts during the current year, distinguishing, as far as possible, the articles on which the duties may be collected by them, as well as the nature and rate of each, and with the following general instructions, in addition to such as they may from local circumstances think necessary. To discontinue all rahdarry, chelunta, and other collections of every denomination prohibited by the orders of Government. To discontinue all monopolies and exclusive privileges for the manufacture or sale of particular articles, and establish in lieu of them, with the sanction of the Collectors, a moderate duty on such articles, to be levied at the time of manufacture or sale. To collect all existing duties, as far as may be compatible with these principles, according to their present rates, to the end of the current year.

the management of the gunges, &c. with instructions to keep the accounts herein specified.

To discontinue all rahdarry collections,

monopolies and exclusive privileges for making or selling articles,

and to establish a moderate duty on such articles,

and to collect authorized existing duties until the end of the year.

Fifth. *5th.* At the end of the current year, the Collectors are to transmit abstracts of the accounts delivered by the several agents employed by them in the collection of duties, with such remarks as may be necessary for full information of the nature of the several articles of collection, and specific propositions for the regulation thereof in future.

At the end of the year Collectors to transmit abstracts of the collections, with propositions for the regulation of them.

Sixth. *6th.* The Collectors are to propose such establishments as they may think necessary for the collection of the duties within their respective districts for the current year, observing therein the greatest possible attention to economy, and that such establishments are to be decided on by the Board of Revenue.

Collectors to propose establishments for the collection of the duties for the current year.

Seventh. *7th.* The gunge, haut, bazar, and other duties (the abkarry only excepted) which may be collected during the current year on lakheraje land, and of which no part has hitherto been received by Government, are, after deducting the amount of the establishment approved by the Board of Revenue, to be paid monthly to the persons who would have been entitled to receive the same, in case the collection had not been taken into the hands of Government, on receipts for the amount so paid.

Collections on the lakheraje lands to be paid to the proprietors.

Eighth. *8th.* The land revenue is to be adjusted, according to the rules already prescribed for the decennial settlement, on the assets of the malguzarry land, exclusive of the duties resumed, and that of the gunge, haut, bazar, and other duties (the abkarry excepted) which may be collected during the current year on malguzarry land, or which have hitherto been a source of revenue to Government, after deducting the amount of the approved establishment, one-tenth is to be paid to the proprietors of the land wherein the duties shall be collected, and the remaining nine-tenths are to be carried to the credit of Government. Disputed claims to this allowance are to be decided on in the first instance by the Collectors, subject to an appeal to the Board of Revenue within the period prescribed for appeal by the existing Regulations.

Land revenue to be adjusted exclusive of the duties resumed.

One-tenth of the neat amount of the resumed collections to be paid to the proprietors of malguzarry land.

Disputed claims on this account to be decided in the court of Maal Adawlut.

An appeal to be made to the Board of Revenue, and the Governor General in Council.

Ninth. *9th.* It shall be notified to all persons who have hitherto exercised the privilege of collecting gunge, bazar, haut, and other duties, whether on lakheraje or malguzarry land, that they are at liberty to appoint agents, on their parts, to keep counterpart accounts of the collections made by the officers of Government during the current year; and that, in the event of their appointing such, the Collectors are to require the officers employed by

Persons heretofore entitled to levy duties, to appoint officers to keep counterpart collections made by the officers of Government.

them to obtain the joint signature of these agents to the several accounts transmitted by them.

Compensation to be made to the holders of gunges, &c. for the sayer resumed.

Tenth. 10*th.* The holders of all gunges, bazars, hauts, &c. are informed, that it is the intention of Government to make them an equitable compensation hereafter, adequate to the profit they were entitled to from all duties collected by them with due authority, or by usage commencing previous to the Company's acquisition of the dewanny; and they are required, in order to enable Government to determine on the compensation to be made to them, to exhibit before the Collectors, within three months from the date of a public notice to be issued to that effect, the titles by which they have levied the gunge, bazar, haut, and other duties collected by them respectively, or proof of their having established the same before the Company acquired the dewanny.

Period limited for the exhibition of the titles and claims to such compensation.

Collectors to examine the vouchers and proofs of each title, and to transmit their proceedings, and the abstracts required in article 5th, to the Board of Revenue, with their opinion which claims are established or otherwise. Board of Revenue to forward those reports to the Governor General in Council, who will determine on the compensation and the mode of making it.

Eleventh. 11*th.* The Collectors, on exhibition of the vouchers and proofs offered in pursuance of these Regulations, or as soon afterwards as circumstances may admit, are to enter into a full examination of the same, and to transmit their proceedings at large, with a summary, to the Board of Revenue, at the close of the current year, together with the abstracts required in the fifth article, adding, in every instance, their opinion how far the right of collection appears to be established, or otherwise. The Board of Revenue, on receipt of these reports, are to forward the same, with their opinion on each case, after requiring any further information they may think necessary, to the Governor General in Council, who will then determine on the right of the several parties to a compensation, as well as on the mode of making the same.

Persons exacting duties contrary to this Regulation liable to be sued in the Dewanny Adawlut. Damages to be passed by the court on proof of the charge.

Twelfth. 12*th.* All persons exacting duties contrary to these Regulations, whether principals or accessaries, are declared liable to prosecution in the courts of Dewanny Adawlut, the Judges of which are to hear and determine the cause within ten days after its institution, and on proof of the exaction are to decree heavy damages, with all costs, to the party injured, according to the circumstances of the offenders, and enforce the payment thereof by the customary process.

Collectors to transmit a list of persons receiving pensions from the sayer, with a report on the amount and origin of the claims, and whether the claimants are objects of charity.

Thirteenth. 13*th.* Where persons may be in receipt of pensions for charitable or religious purposes, from the gunge, haut, or bazar duties resumed, the Collectors are to transmit a list thereof, with a report of the origin and amount of such pensions, and state how far the persons receiving the same are objects of charity, who would be distressed by an immediate discontinuation of the allowances to them respectively.

These rules are not to extend to gunges, &c. within the town of Calcutta.

Fourteenth. 14*th.* These rules are not to extend to gunges, bazars, and hauts, within the limits of the town of Calcutta.

Collectors to attend strictly to these orders, which are to be printed and circulated with translations.

Fifteenth. 15*th.* The Collectors are to give the strictest attention to the due enforcement of these orders, which, with Persian and Bengal translations, shall be printed and circulated throughout the several districts for general information.

Rule passed on the 23d June 1790.

Expenses of the collection of the sayer directed to be defrayed

III. The allowances which may be fixed for the officers appointed on the part of Government to collect the duties in the gunges, hauts, and bazars, in the malguzarry and rent-free lands, for the current year, are to be paid by Government, and not from the collections of the gunges, hauts, and bazars, as directed by the seventh and eighth articles of the Regulations of the 11th June 1790, and the Collectors are accordingly directed to pay the amount of the gross, instead of the neat collections, to the holders of such gunges, bazars, and hauts.

by Government for the year in which it was resumed.

Rule for the Abolition of the Sayer, passed on the 28th July 1790.

Abolition of the sayer.

IV. The privilege of imposing and collecting internal duties has been resumed from the landholders, and taken exclusively into the hands of Government for the purpose of reforming abuses in these collections, and thereby affording benefit to the commerce of the country, as well as general ease to its inhabitants. For the more effectual attainment of these objects, the Governor General in Council has now resolved that all duties, taxes, and other collections coming under the denomination of sayer (with the exception of the Government and Calcutta customs, the duties levied on pilgrims at Gya and other places of pilgrimage, the abkarry or tax on spirituous liquors, which is to be collected on account of Government agreeably to former orders, the collections made in the gunges, bazars, and hauts, situated within the limits of Calcutta, and such collections as are confirmed to the landholders, and the holders of gunges, bazars, and hauts, by the published resolutions of the 11th June 1790, namely, rent paid for the use of land, or for houses, shops, or other buildings erected thereon, or for orchards, pasture ground, or fisheries, sometimes included in the sayer, under the denomination of phulkur, bunkur, and julkur), whether made by Europeans or natives, either on their own or the public account, in the gunges, bazars, hauts, or other places within the provinces, be forthwith abolished, and that the compensations to be made in consequence be regulated by an average of the neat produce stated in the past accounts, for as many years as they can be procured not exceeding ten (excluding therefrom such collections as have been prohibited by Government), and be adjusted, with regard to the collections in malguzarry and lakheraje lands respectively, according to the principles already laid down in the resolutions of the 11th June 1790. The Collectors have accordingly been required to withdraw their officers from the gunges, bazars, and hauts, and to transmit the accounts necessary for adjusting the compensation without delay, together with the reports before required from them on the titles by which the duties have been hitherto collected by the several persons levying them. At the same time, the Governor General in Council conceiving there may be proprietors of petty gunges, bazars, and hauts in the lakheraje lands, whose subsistence has been chiefly drawn from the collections now abolished, and who may be subjected to distress or inconvenience, unless some provision be made for them during the period which may elapse previous to the adjustment of the compensation to be allowed them, has instructed the Collectors, on proof of the situation of persons so circumstanced, to make them such monthly allowance as may appear advisable, to be deducted from the amount of the compensation to which they may finally appear entitled; provided that, in no case, the monthly allowance so given exceed the estimated monthly neat produce of the duties hitherto received by the parties respectively.

Rule passed on the 6th August 1790.

Ground on which hauts and bazars have been held to continue appropriated for that purpose for the public, free of all demand from the proprietor.

V. *First.* The proprietary right in the ground on which hauts and bazars are held is to continue vested in the landholders, but the public are to have the free use of it. The rules passed on the 28th July 1790, extending to the abolition of all collections heretofore made, under the head of tehbazzaree or other denominations, from persons exposing their goods for sale in the gunges, bazars, and hauts, under temporary stalls and sheds, or in the open streets, and as the landholders are to receive a compensation for these collections, they can have no right, whilst such compensation is continued to them, either to appropriate the ground for the temporary use of which such collections were made to any other purpose, or to levy any exactions whatever from the persons who may in future expose their goods thereon for sale as heretofore; the ground on which hauts and bazars are now held is accordingly to be continued to be appropriated to this purpose, free of all charge to the venders.

Rule in preceding clause not to deprive the landholders of the collections declared to belong to them by the rules of the 11th June 1790.

Second. The above rule is not to preclude the landholders from receiving the monthly or annual rent arising from permanent shops, or other buildings, the collection of which is confirmed to them by the rules of the 11th June 1790.

Rules passed on the 8th April 1791.

Compensation to the proprietors of gunges, &c. in lands exempted from the payment of revenue, how to be discharged.

VI. *First.* The amount of the compensation to be given to the lakheraje holders of the sayer abolished, after a determination on their right thereto, in the mode directed by the Regulations of the 11th June 1790, shall be paid in money, or in bonds bearing interest at the rate of twelve per cent. per annum, to be paid in quarterly proportions by the Collector of the district in which the gunge, haut, or bazar yielding the sayer abolished may be situated, until it shall suit the convenience of Government to pay off the principal, the amount of which is to be regulated upon this principle, that the annual interest be equal to the neat annual profit derived from the sayer abolished.

Compensation to the proprietors of gunges, &c. in lands paying revenue to Government, how to be discharged.

Second. The amount of the compensation to be given to the malguzarry holders of the sayer abolished, after the like determination on their right thereto, is to be provided to such of them as may engage for the revenue of their own lands, by granting to them an abatement of jumma equal to the full amount of their neat collections on account of the sayer abolished, which will include their one-tenth profit for which the compensation is ordered; and to those whose lands may now or hereafter be let in farm, by stipulating with the farmers for the payment of the amount of the compensation in addition to the jumma of Government; for securing which payment to the Malguzars, a certificate is to be given to each of them, under the seal and signature of the Board of Revenue, declaring the annual neat amount of their sayer abolished, and their title to one-tenth thereof as their compensation, receivable in the manner herein stated.

Rule passed on the 15th April 1791.

Amendment of the rule passed on the 8th April 1791, regarding the payment of the compensation to the proprietors of malguzarry gunges, &c.

VII. *First.* Many lands having already been let in farm in Burdwan, and in other parts of Bengal, as well as in Behar, for ten years, and as the farmers of such lands could not now be made answerable for the amount of the sayer compensation to the proprietors in addition to the jumma of Government, without an equivalent deduction from the latter; and further, as it will be for the benefit of the proprietors, without any disadvantage to Government (since every farmer stipulating for the payment of the compensation would probably reduce his offers for the revenue in an equal proportion), to declare the compensation of dispossessed landholders in general payable by Government, instead of the farmers, as determined by the rule passed on the 8th April 1791; the Regulation of the 8th April 1791 is accordingly modified as follows:

Amended rule.

Second. The amount of the compensation to be given to the holders of the malguzarry sayer abolished, after a determination on their right thereto, in the mode directed by the resolutions of the Governor General in Council of the 11th June 1790, is to be provided to such of them as may engage with Government for the revenue of their own lands, by granting to them an abatement of jumma equal to the full amount of their former neat collections from the sayer abolished, including their one-tenth profit for which the compensation is ordered; and to those whose lands may now or hereafter be let in farm or held khas, by the annual payment of the amount of such compensation on the part of Government, to be made in quarterly proportions by the Collector of the district in which the gunge, haut, or bazar, yielding the sayer abolished, may be situated: for securing which payment to the malguzarry holders entitled thereto, a certificate is to be given to each of them, under the seal and signature of the Board of Revenue, declaring the neat annual amount of their sayer abolished, and their title to one-tenth thereof as their compensation, receivable in the manner herein stated, until it can be provided by an abatement of jumma on the settlement of their land being made with them, in which case they will be no longer entitled to the payment specified.

Rule passed on the 24th June 1791.

Further rule regarding the compensation to disqualified landholders.

VIII. Doubts having arisen whether, under the rule passed on the 15th April 1791, the one-tenth compensation is to be made to disqualified landholders by a reduction of jumma or by a money payment from Government, their lands being nominally held khas, though really managed for the benefit of the proprietors (any surplus collection above the fixed revenue being applied to their benefit), it is declared, that the compensation in these instances is to be made in like manner as if the settlement were made with the proprietors, *viz.* by an abatement of the revenue assessed upon their lands equal to the full amount of the former neat collections of the sayer resumed or abolished, including their one-tenth for which the compensation is ordered; or, in cases where a new assessment of their lands may be made on consideration of the land assets only, by an abatement of such assessment equal to the amount of the one-tenth compensation due to them.

Rule passed on the 23d December 1791.

Board of Revenue to grant certificates to lakheraje proprietors for their compensations.

IX. The Board of Revenue are to grant certificates, under their seal and signature, to the proprietors of lakheraje gunges, bazars, and hauts, for the amount of the compensations to which they may be entitled.

Rule passed on the 20th April 1792.

Forms of certificates for compensations to be granted to the lakheraje and malguzarry sayer holders.

X. *First.* The following are to be the forms of the certificates directed to be granted to the proprietors of lakheraje and malguzarry gunges, bazars, and hauts;

To proprietors of lakheraje gunges, hauts, and bazars.

Second. "This is to certify, that A., inhabitant of B., in the district of C., "having proved his right, as required by the 10th article of the Regulations "passed by the Governor General in Council on the 11th June 1790, to compensation account the sayer collections formerly made by him in the rent-"free gunge, haut, or bazar, denominated ...., in the district of "............, but since prohibited by Government, he is, agreeably to the "orders of the Governor General in Council of the .... and ...., "entitled to receive on this account, in equal quarterly proportions, from the "Collector of ...., the sum of ...., being the amount of his neat "annual collections from the gunge, haut, or bazar, aforesaid, this payment "to commence from the period of the above gunge, haut, or bazar, having "been resumed, in conformity to the above-mentioned orders of Government "of the 11th June 1790, provided no part thereof has yet been received. It "is to be understood, that the payment of this compensation by the Collector, "in the manner aforesaid, is to continue no longer than until it shall please "the Governor General in Council to determine on any other mode of making "the same."

To proprietors of malguzarry gunges, hauts, and bazars.

Third. "This is to certify, that A., Zemindar or Talookdar of B., in the "district or soubah of C., whose estate is now held khas or let in farm, having "proved his right, as required by the 10th article of the Regulations of the "Governor General in Council of the 11th June 1790, to compensation "account the sayer collections formerly made by him in the malguzarry "gunge, haut, or bazar, denominated ...., in the district of ...., "but since prohibited by Government, he is, agreeably to the orders of the "Governor General in Council of the .... and ...., entitled to "receive on this account, in equal quarterly proportions, from the Collector "of ...., the annual sum of rupees ...., being the one-tenth proportion of rupees ...., the neat annual amount of his sayer collections "from the gunge, haut, or bazar, aforesaid, this payment to commence from "the period of the above gunge, haut, or bazar, having been resumed, "in conformity to the above-mentioned orders of Government of the 11th "June 1790, provided no part thereof has yet been received. It is to be "understood, that the payment of the above-mentioned compensation by the "Collector is to continue no longer, than until it can be provided for by an "adequate abatement of jumma on the settlement of the lands of the bearer "of this certificate being made with him or his heirs."

Certificate to be granted to the proprietor of Govind-gunge.

Fourth. The case of the proprietor of Govind-gunge being of a special nature, the following certificate is to be granted to him:

"This is to certify, that Rada Govind Sing having proved his right, as "required by the 10th article of the Regulations of the Governor General in "Council of the 11th June 1790, to compensation account the sayer collections formerly made by him in the gunge denominated Govind-gunge, in "the district of Nuddea, but since prohibited by Government, he is, "agreeably to the orders of the Governor General in Council of the 3d "February 1792, entitled to receive on this account, in equal quarterly proportions, from the Collector of the district above-mentioned, the sum of "Rupees 3,467. 1. 17. 3, being the amount of his remaining neat annual "collections from the haut or gunge aforesaid, after deducting the sum of

"Rupees 100, the revenue of Government; this payment to commence from the period of the above gunge having been resumed, in conformity to the orders of Government of the 11th June above-mentioned, provided no part thereof has yet been received. It is to be understood, that the payment of this compensation by the Collector in the manner aforesaid, is to continue no longer than until it shall please the Governor General in Council to determine on any other mode of making the same."

Rule passed on the 27th April 1792.

Penalty for persons convicted of exacting unauthorized duties.

XI. Persons exacting taxes or duties of any denomination, contrary to the sayer Regulations of the 11th June 1790, whether as principals or accessaries, having by the 12th article of the Regulations of that date been declared liable to prosecution in the courts of Dewanny Adawlut, the Judges of the said courts are required to receive all plaints preferred on account of such exactions, to hear and determine the same within ten days from the date of filing the plaint, or as soon afterwards as the attendance of the necessary evidence may admit, and on proof to decree a refund of the amount exacted, with damages equal to double the amount, besides all necessary costs incurred by the plaintiff in the prosecution, as well as a heavy fine to Government proportionate to the circumstances of the offender, which decree shall be enforced by them by the process prescribed in other cases; and if the property of the offender, which shall be applied in the first instance to make good the damages and costs adjudged to the party injured, shall be in any instance insufficient to make good the fine to Government, the courts may order the fine to be commuted to imprisonment for such period as, on consideration of the case, may appear to them adequate to the offence.

Rule passed on the 1st May 1793.

Adjustment of sayer deductions and compensations to be left to the Revenue officers, subject to the confirmation of the Governor General in Council.

Courts not to take cognizance of any claims respecting deductions or compensations made or to be made.

If the payment of compensations which may have been adjusted are withheld, courts may take cognizance of suits for the recovery of the amount.

Rules regarding such suits.

XII. In the event of any deductions or compensations on account of the abolition of the sayer remaining to be adjusted, the adjustment of them is to be left to the Collectors, under the superintendence of the Board of Revenue, and subject to the final confirmation of the Governor General in Council under this Regulation, and the courts of judicature are not to take cognizance of any claims regarding such deductions or compensations that have been or may remain to be adjusted. But in cases in which the compensation on account of the abolition of the sayer, either in lands paying revenue to Government or exempted from the payment of such revenue, shall have been finally adjusted with the sanction of the Governor General in Council, and payment of the amount which may be due under such adjustment shall be withheld from the person entitled thereto, the courts of Dewanny Adawlut may take cognizance of any suit that may be preferred to them against the officer withholding the same, for obtaining payment of the amount. If the payment shall have been withheld pursuant to orders from the Governor General in Council or the Board of Revenue, the Judge, previous to proceeding to the trial of the suit, is to forward the petition of the complainant to the Governor General in Council, in the same manner as is directed with regard to the cases specified in Section XI., Regulation III. 1793, that if it shall appear to him proper so to do, he may afford redress to the party without bringing the suit to a trial. Suits instituted against Government under this section, and which may be brought to a trial, are to be defended by the Collector, who is to commit the pleading of the cause to the Vakeel of Government; and in the event of Government being cast, or of the Collector being dissatisfied with the decision, he is to report the circumstances to the Board of Revenue, that an appeal may be preferred against the decision if deemed advisable.

A.D. 1793. REGULATION XXVIII.

A REGULATION *for prohibiting British Subjects (excepting King's Officers serving under the Presidency of Fort William, and the Civil Covenanted Servants of the Company and their Military Officers) residing at a greater Distance from Calcutta than ten Miles, unless they render themselves amenable to the Courts of Dewanny Adawlut in Civil Suits which may be instituted against them by any of the Descriptions of Persons mentioned in Section VII., Regulation III. 1793, and for enabling British Subjects to recover any Demands, recoverable under the Regulation which they may have upon such Persons:* PASSED *by the Governor General in Council on the 1st May 1793 (corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree).*

I. BRITISH subjects residing in the interior parts of the country for commercial purposes, may recover with facility, and at a moderate expense, their claims upon the natives, or other inhabitants of the Company's territories who are declared amenable to the courts of Dewanny Adawlut in Section VII., Regulation III. 1793, by instituting a suit against them in the court of the zillah or city in which they reside: but the natives of the country, and all other persons subject to the jurisdiction of the Dewanny courts, have no means of obtaining redress against such British subjects, but by suing them in the supreme court of judicature at Calcutta. The manufacturers, therefore, as well as the immediate cultivators of the soil, and the lower orders of the people, with whom such British subjects necessarily have extensive dealings, are in fact precluded from all redress in the event of their being wronged, as it is obviously impracticable for the generality of persons of these descriptions to quit their families and occupations, and perform a journey, probably of several hundred miles, to sue for small demands, in a court proceeding and deciding according to laws, and in a language with both of which they are equally unacquainted, and at an expense that the opulent only can support. The extension of commerce and agriculture, and consequently the future prosperity of the country, depending upon due protection and encouragement being afforded to the manufacturers, the cultivators of the soil, and the other classes of the lower and industrious orders of the people; and it being also equitable that British subjects of every description should be enabled to recover all demands, excepting such as may be declared not recoverable, which they may have upon the natives, or other persons described in Section VII., Regulation III. 1793, the Governor General in Council has enacted the following rules.

British subjects (with certain exceptions) not to be allowed to reside further from Calcutta than ten miles, unless they execute the bond in Section III.

II. British subjects (excepting King's officers serving under the presidency of Fort William, the civil covenanted servants of the Company, and their military officers) shall not be permitted to reside at a greater distance from Calcutta than ten miles; unless they enter into a bond, rendering themselves amenable to the court of Dewanny Adawlut within the jurisdiction of which they may reside, in all civil suits that may be instituted against them by natives or inhabitants of either of the provinces of Bengal, Behar, or Orissa, coming within the descriptions of persons declared amenable to the zillah and city courts by Section VII., Regulation III. 1793, for any sum of money or thing, the amount or value of which shall not exceed five hundred sicca rupees.

Form of the bond.

III. The following is the form of the bond to be executed by such British subjects:

"Know all Men by these presents, that I ...., of ...., but now about to reside at ...., in the zillah or district of .... (or in the city of ....), in the province of ...., am held and firmly bound unto ...., Judge of the Dewanny Adawlut of the said zillah or district (or city) of ...., in the sum of ...., to be paid to the said ...., his executors or administrators, for which payment well and truly to be made, I do hereby bind myself, my heirs, executors, and administrators, firmly by these presents, sealed with my seal, dated this .... day of ...., in the year of our Lord ....

"Whereas the Governor General in Council of Fort William in Bengal, acting for and on behalf of the United Company of Merchants of England trading to the East-Indies, hath by virtue of certain powers and authority in him vested previous to the date hereof, resolved that no British subject, excepting the officers of and belonging to the army of His Majesty the King of Great Britain, serving under the presidency of Fort William, and the civil covenanted servants of the said United Company and their Military officers, shall reside or take up a temporary or other abode at a greater distance from Calcutta at Fort William aforesaid, than ten English miles standard measurement, unless such British subject shall, previous to or at the commencement of such abode or residence, execute a bond or obligation, in such penalty as the Governor General in Council of Fort William aforesaid for the time being shall duly direct, to the Judge of the Dewanny Adawlut for the time being of the zillah or district (or city) in which such British subject shall be about to reside, his heirs, executors, or administrators, with condition that such British subject shall and will from time to time, and at all times thenceforward, submit and be amenable to the Dewanny Adawlut or court of civil jurisdiction of such zillah or district (or city) in all civil suits that may be instituted against him by any native or other inhabitant not being a British subject, or resident within the limits of Calcutta) of the provinces within the territorial acquisitions of the said United Company, provided the amount or value of the matter in dispute between the parties in such suit does not exceed the sum of five hundred sicca rupees; And whereas the above bounden .... is a British subject, and hath, under and subject to the herein-before recited resolution of the Governor General in Council of Fort William aforesaid, obtained permission and license of and from the said Governor General in Council to reside at ...., in the

" zillah or district (or city) of ...., in the province of ...., in " consideration whereof he, the said ...., hath agreed to execute and " deliver this present bond or obligation: Now THE CONDITION of this obligation is such, that if the above-bounden .... his heirs, executors, " and administrators, and all and every of them, do and shall from time to " time, and at all times hereinafter, on his and their parts and behalves, in all " things well and truly stand to, obey, abide by, perform, observe, fulfil, keep " and satisfy, all and every the order and orders, decree and decrees, judgment " and judgments, of the Dewanny Adawlut or court of civil jurisdiction, " established by the authority of the said United Company, or of the Governor " General in Council of and for the said United Company, in the said zillah " or district (or city) of ...., in the said province of ...., or of " the Judge or Judges of the said courts for the time being, in all and every " suit or suits, action or actions, which now is or are, or hereafter shall or " may be brought, commenced, instituted, sued, or prosecuted against the " said .... by any native or natives, or other inhabitant or inhabitants " (not being a British subject or subjects, or resident within the limits of the " town of Calcutta at Fort William aforesaid) of any of the provinces dependent upon, or within the territorial acquisitions of the said United Company, provided the matter in dispute between the parties, or the cause or " causes of each and every such suit or suits, action or actions, doth not and " shall not respectively, at the time of commencing such suit or suits, action " or actions, exceed in value the sum of five hundred sicca rupees, or if the " said ...., his heirs, executors, and administrators, shall and do well " and truly stand to, abide by, obey, fulfil, and satisfy, all and every the " order and orders, decree or decrees, judgment or judgments, which in case " of any appeal of such suit or suits, action or actions, duly and regularly " made from the said Dewanny Adawlut to the proper court or courts of " appeal, shall be duly and regularly made by such court of appeal as shall " finally hear, decide, and determine such suit or suits, action or actions, " and if the said ...., his heirs, executors, and administrators, or any " or either of them, shall not and do not, in and relating to such suit or suits, " action or actions, apply for any writ or writs of surcease to issue out of and " from the supreme court of judicature at Fort William in Bengal aforesaid, " according to the manner and form prescribed and mentioned in the charter " or letters patent for establishing the same, then this obligation to be void and " of no effect, otherwise to be and remain in full force and virtue.

" Signed, sealed, and delivered (where }
" no stamps are to be had) in the }
" presence of ...." }

Where the bond is to be executed,

IV. The bond is to be executed in open court, before the Judge of the court within the jurisdiction of which such British subject may reside or take up his abode; unless the court shall have been adjourned, in which case it is to be executed before the Judge out of court. The bond is to be deposited amongst the records of the court.

and deposited.

New bond to be executed when any such British subject shall remove into another jurisdiction.

V. If any such British subject residing within the jurisdiction of a zillah or city court, who may have executed the bond contained in Section III., shall hereafter remove into the jurisdiction of any other zillah or city court, to any place being at a greater distance from Calcutta than ten miles, he shall execute a new bond to the same effect, which shall be deposited in the Dewanny Adawlut of the zillah or city in which he may so take up his abode. And all such British subjects, whether they may have previously executed the bond in Section III. or not, upon proceeding to any place within the jurisdiction of a zillah or city court, and being at a greater distance from Calcutta than ten miles, with a view to reside there, shall, within ten days after their arrival in such jurisdiction, attend before the Judge of the court to execute the prescribed bond; and in default of their so attending, the Judge shall summon them to appear for that purpose, by a writing under the seal of the court and attested by the Register.

British subjects, whether they have previously executed the bond or not, taking up their residence at a greater distance from Calcutta than ten miles, to attend before the Judge in ten days to execute the bond.

Court to summon them if they do not attend.

Judges of the zillah and city courts to compel such British subjects refusing to execute the bond to proceed to Calcutta.

VI. If any such British subject, now residing, or who shall hereafter take up his abode within the jurisdiction of any zillah or city court at a greater distance from Calcutta than ten miles, shall refuse to attend before the Judge and to execute the prescribed bond, the Judge is to require him, by a written order under his official signature and the seal of the court, to quit his jurisdiction within one month from the date of the order, and repair to Calcutta; and in the event of his not complying with the order, the Judge is to send him to Calcutta under the charge of his officers.

Bond to be executed by persons not amenable to the zillah and city courts, who may institute a suit in those courts against any person amenable to their jurisdiction.

VII. When any British subject, or other person who may not come within the descriptions of persons declared amenable to the jurisdiction of the zillah and city courts by Section VII., Regulation III. 1793, shall institute a suit in the Dewanny Adawlut of any zillah or city court, on his own private account or on behalf of any other person, against a person amenable thereto, he is to execute an instrument in the nature of a bond of arbitration, according to the form hereafter recited, declaring himself subject to the jurisdiction of the court for so much as shall relate to the suit in question, and bind himself to abide by the award or decree of the court, in the same manner, and to the same extent, as the jurisdiction of the court is valid against the defendant. If such plaintiff shall refuse to execute the instrument, his plaint shall not be received or filed.

" KNOW ALL MEN by these presents, that I ...., of ...., am
" held and firmly bound unto ...., of ...., esquire, Judge of
" the Dewanny Adawlut of the ...., in the province of ....,
" in the sum of ...., to be paid to the said ...., his executors,
" administrators, or assigns, for which payment well and truly to be made,
" I do hereby bind myself, my heirs, executors, and administrators, firmly
" by these presents, sealed with my seal, dated this .... day of
" ...., in the year of Christ one thousand seven hundred and
" ....

" WHEREAS the above bounden .... hath, on the day of the date
" hereof, commenced an action, cause, or suit, in the said Dewanny Adawlut,
" before the said .... against ....: NOW THE CONDITION of this
" obligation is such, that if the said ...., his heirs, executors, and
" administrators, and every of them, do and shall, on his and their parts and
" behalves, in all things well and truly stand to, obey, abide, observe, per-
" form, and fulfil, all such final judgment and judgments, order and orders,
" decree and decrees, as shall or may be at any time given in the said action,
" cause,

" cause, or suit, in the said court of Dewanny Adawlut at .... (and " confirmed on appeal, if the same suit or cause shall be appealed), then this " obligation to be void, or else to remain in full force and virtue.

" Sealed and delivered (where no stamps are in use or to be had) in the presence of ...."

All Europeans not British subjects, and residing out of Calcutta, are amenable to the courts of Dewanny Adawlut.

VIII. Europeans, not British subjects, and residing out of the limits of Calcutta, are amenable to the courts of Dewanny Adawlut, in the same manner as natives or other inhabitants coming within the descriptions of persons specified in Section VII., Regulation III. 1793.

A.D. 1793. REGULATION XXIX.

A Regulation *for re-enacting, with Alterations and Amendments, the Rules passed on the* 10*th of December* 1788 *and subsequent Dates, for the Conduct of the Salt Agents, and all Persons employed or concerned in the Provision of Salt on account of Government:* Passed *by the Governor General in Council on the* 1*st May* 1793 *(corresponding with the* 21*st Bysaak,* 1200 *Bengal era; the* 6*th Bysaak,* 1200 *Fussily; the* 21*st Bysaak,* 1200 *Willaity; the* 6*th Bysaak,* 1850 *Sumbut; and the* 19*th Ramzaan,* 1207 *Higeree).*

I. Government having thought it proper to reserve to itself the exclusive privilege of manufacturing salt as a source of public revenue, the nature and extent of the business require that rules should be prescribed for preventing persons employed in the manufacture embezzling the money advanced to them, and for ensuring the due performance of their engagements. It is equally essential that provision should be made for deterring the officers and others employed in the superintendence of the manufacture from compelling persons to engage in it, or oppressing those who may have voluntarily executed agreements, or entered into the employ of the public. As the most effectual mode of guarding against such abuses, and of ensuring justice to the salt-workers and others employed in the manufacture, in their dealings with the public, the Governor General in Council has determined, that the rules to which persons engaging in the salt manufacture may be subject, shall be incorporated with the laws and regulations for the internal government of the country, and that the agents and officers employed in the immediate superintendence of the manufacture shall be liable to be sued for any deviation from those rules in the courts of judicature, that every person who may deem himself aggrieved by their official acts, whether originating with themselves or done in consequence of orders from the superior authorities, may be able to obtain redress, with the same facility as for an injury received from an individual; the following rules, being the rules passed by the Governor General in Council on the 10th December 1788 and subsequent dates, with alterations and amendments adapted to the principles above stated, have been accordingly enacted.

Oath to be taken by the agents.

II. The persons who may be appointed agents for the provision of salt on account of Government, previous to entering on the execution of the duties of their office shall take and subscribe the following oath before the Governor General in Council, or any person whom he may commission to administer it:

"I, A. B., swear, that I will render true and faithful accounts of the sums "which may be advanced to me, as agent for superintending the provision "of salt to be manufactured on account of the Company in the division of "................., and of the produce, whenever required by the Governor "General in Council; and that I will not at any time, either during my "agency or afterwards, have any concern in salt, nor derive any profit from "my agency besides my commission, and the salary which has been allowed "to me by the Governor General in Council, nor knowingly suffer my de-"pendents to derive any profits but such as are allowed: So help me God."

No person to be compelled to engage in the salt manufacture.

Persons having engaged not to be obliged to re-engage.

III. No person shall be compelled, under any pretence whatever, to engage in the provision, manufacture, or transportation of salt, either as a contractor or a labourer, or in any other capacity; and all persons who may engage in the provision, manufacture, or transportation of salt, and may not choose to re-engage, shall be at liberty to relinquish the employment, after performing the engagements into which they may have entered, and to follow any other occupation they may think proper, without hindrance or molestation.

Penalty for salt agents compelling persons to engage in the manufacture.

IV. If a Salt Agent shall compel, or use any means, or cause any of his officers or others to compel any Molungee, Byoparry, or other person, to receive advances, or to contract for or engage in the provision, manufacture, or transportation of salt, the Judge of the Dewanny Adawlut, on proof of the charge to his satisfaction, shall adjudge the contract or engagement null and void, and direct the complainant to be discharged, and cause the advances, if any should have been made, to be returned by him, and award such costs and damages against the Agent as may appear to him equitable. The Agent so offending shall, moreover, be liable to be dismissed from his office by the Governor General in Council.

Penalty for assistants or any head officers of an aurung using compulsion.

V. *First.* If the Assistant to a Salt Agent, whether a covenanted servant of the Company or a European not in the Company's service, or any head native officer of an aurung or place of manufacture, empowered to redress complaints as hereafter directed, shall compel or use any means, or cause any of his officers or others to compel any Molungee, labourer, or other person, to receive advances, or to contract for or engage in the provision, manufacture, or transportation of salt, he shall, on conviction before the Agent, or before the Dewanny Adawlut, stand dismissed from his office, and shall be made to pay to the complainant a sum equal to the amount of the whole of the advances which he would have been entitled to receive, had he voluntarily entered into the contract or engagement, with any further compensation to which he may appear entitled, and the complainant shall be immediately discharged, and any advances that he may have received shall be taken back from him.

Assistants and head officers responsible for compulsion used by those under them.

Second. Assistants and head officers of aurungs, empowered to redress complaints, shall be held responsible for any compulsion that may be used, for the purposes specified in the preceding clause, by the Gomastahs, Peons, or other officers subject to their authority; unless it shall appear that it was had recourse to without their knowledge or connivance, and that they redressed the injury immediately on being apprized of it. Where persons subject to the

Exceptions.

authority of such assistant or head officer shall be convicted of using such compulsion without his knowledge or connivance, the court, or the agent, or the officer before whom they may be convicted, shall pass the same decision as is directed to be given in the preceding clause, in cases in which the head officers of aurungs may be convicted of using compulsion.

Penalty for contractors, Byoparries, and Molungees using compulsion.

VI. If any contractor, Byoparry, or Molungee, having received advances or entered into engagements for the provision of salt, shall be convicted before the Dewanny Adawlut, or the Agent, or any of his officers empowered to redress complaints, of compelling, directly or indirectly, any labourer or other person to receive advances, or to engage in the manufacture, the court, or the agent, or the officer so empowered, is to give the same judgment, with the exception of dismission from office, as is directed to be passed in the cases specified in Clause Second of the preceding section. And that no contractor, Byoparry, or Molungee, may plead ignorance of the above rule, a clause to the effect thereof shall be inserted in their contracts.

Contracts for salt to be made in writing, and attested by at least two witnesses.

VII. All contracts and engagements entered into with Byoparries, Molungees, or others, for the provision of a specific quantity of salt, are to be made in writing, attested by at least two creditable witnesses, and are to be signed by the Agent, or any of his officers whom he may empower to sign them; and one copy of them is to remain with the Agent or his officer, and the other is to be delivered to the party contracted or engaged with. In all practicable cases, security shall be taken for the performance of such contracts and engagements; and the contractor shall have the option of delivering the salt either by weight or measure, the mode of delivery being specified in his contract.

Security to be taken for the due performance of contracts in all practicable cases.

Money advanced to be of proper weight, and to be examined and counted by the receivers.

VIII. When advances are made to contractors or others, the money shall be counted and examined by them, or the persons appointed on their part to receive the money, previous to their signing the receipts, and the agent shall be careful that the money is of proper weight; and in contracts, the periods for making the advances shall be specified, and the advances made accordingly.

How advances are to be made to salt-workers or labourers, in cases of contract where the Agent is, or is not, bound to procure them, and in cases where the salt is delivered by the manufacturer to the officers of the Agent.

IX. Where it is customary to enter into contracts with Byoparries or others for the provision of a specific quantity of salt, and to leave the contractor to engage the necessary number of salt-workers or labourers, and to make the advances to them, the Agent and his officers are prohibited from deputing Peons or other persons to assist the contractors in collecting salt-workers or labourers, but are to leave the contractors to hire persons willing to enter into their employ. Where it is customary for the Agent to procure the salt-workers or labourers for the contractor, he shall not depute Peons or other persons with the contractors to collect the salt-workers or labourers, or leave the contractors to make the advances to them, but shall himself, or by means of his officers, hire the requisite number of salt-workers or labourers, and cause the money to be advanced to them in the public cutcherry in his own presence, or in the presence of his officers appointed for the purpose, and shall take, or cause to be taken, receipts for the money so advanced to the salt-workers or labourers, under their signature or mark, and attested by at least two creditable witnesses. This rule, with regard to advances to labourers, is to be observed in cases where no contracts may be made, and where the salt may be deliverable by the salt-workers or labourers immediately to the officers of the Agent.

Labourers or salt-workers not to be considered as having engaged until they have received advances and signed receipts.

X. Labourers or salt-workers shall not be considered to have engaged to work in the manufacture, until they have received money as advances and given a receipt for the amount.

Rules for preventing persons who may voluntarily receive advances, afterwards returning them under the pretext of their having been compelled to receive them.

XI. To prevent persons who may voluntarily receive advances, and give a receipt for the amount, afterwards declaring that they were compelled to receive the advances in order to get released from their engagement, the courts, in the event of any complaint being made to them by a labourer or other person that he was compelled to receive advances, are directed, excepting in cases in which they may have full and satisfactory evidence before them that compulsion was used, to consider the receipt as evidence, *primâ facie*, of the advances having been voluntarily received; and they shall not release the complainant from his engagements, or prevent his proceeding to the place of manufacture should he not have proceeded there, nor bring him from thence should he have repaired thither, until they shall have completed the trial of the complaint, and shall be satisfied that the engagement was compulsive and repugnant to this Regulation. The Agents are to apply this rule in similar complaints that may be preferred to them.

Penalty for officers of the Agent guilty of exactions.

XII. Overseers, Gomastahs, Peons, and all officers in the employ of the Agent, are prohibited from taking or receiving any tullubanah, gratuity, perquisite, or allowance, either in money or effects, under any pretence whatever, from any Molungee, Byoparry, contractor, labourer, or other person employed or concerned in the provision, manufacture, or transportation of salt; and if any of the above descriptions of persons under the authority of the Agent, being a native, shall be convicted of disobedience to this injunction, he shall be compelled to pay four times the amount so taken or received to the party injured, and be dismissed from his office, and if he be an European, he shall be made to pay the above sum to the injured party, and be immediately dismissed and sent to Calcutta.

In all practicable cases, engagements to be concluded with the immediate manufacturers.

XIII. The abuses which heretofore existed in the salt manufacture having originated chiefly in the number of intermediate persons employed between Government and the manufacturers, the Agents are required, in all practicable cases, to conclude engagements for the provision of salt with the persons by whom it is actually manufactured.

Agents to depute persons in the boiling seasons to afford relief to the labourers where necessary.

XIV. The Agents shall occasionally depute creditable persons for the purpose of inspecting the different places of manufacture during the boiling season, and report the condition of the labourers, and any ill-treatment they may have experienced, in order that immediate relief may be afforded to them, with such further redress, either during or after the expiration of the season, as they may be entitled to, and the Agents are enjoined to redress all complaints that may be transmitted to them by the persons so deputed.

Penalties for native officers convicted of the offences herein specified.

XV. Native officers employed under the Agents, who may be convicted of disposing, or conniving at the disposal of the salt manufactured on account of the Company, to others, or of making salt for themselves, or conniving at any other person making salt on their private account, embezzling the Company's salt or property entrusted to them, or of writing false balances in their accounts, shall, on conviction in the Dewanny Adawlut, forfeit double the value of the salt so made or the property so embezzled, or of the amount of the balances so alienated, in addition to the costs of suit, and be further liable to imprisonment, for such term as to the court may seem proper, not exceeding twelve months; and upon the circumstances being represented by the Board of Trade to the Governor General in Council, he will, if it shall appear to him proper, declare the offender incapable of serving Government in any capacity.

No persons to use means to prevent individuals engaging in the salt manufacture.

XVI. All officers of Government, proprietors and farmers of land, Talookdars, and under-farmers and Ryots, and their officers, agents, and dependents, are required not to hinder the Salt Agents or their officers from access to Molungees or other persons, in order to treat with them respecting the business of the manufacture, nor are they to use any arts, menaces, or punishment, to deter persons from accepting advances, under pain of being liable to be sued for damages in the Dewanny Adawlut.

No person to behave with disrespect to the Salt Agents or officers.

Nor to impede the manufacture, but to assist it to the utmost of their power.

XVII. All officers of Government, proprietors and farmers of land, Talookdars, under-farmers and Ryots, and their officers, agents, and dependents, are strictly enjoined not to behave with disrespect to the Salt Agents or their officers, or in any wise to throw obstructions in the way of the manufacture; and they are required, on application from the Agent or any of his officers, to afford every assistance in their power towards promoting the manufacture, which may be consistent with the authority vested in them and the Regulations.

Persons employed in the salt manufacture, renting or cultivating lands, subject to the same rules as other renters or cultivators.

Exception.

XVIII. Persons actually employed in the salt manufacture, who cultivate or rent lands, are to pay according to their pottahs or engagements, in the same manner as other Ryots or renters, and under the same rules and regulations; with the exceptions specified in Sections XIX. and XXI., as to the mode of demanding and enforcing payment of arrears during the manufacturing season, which is to be considered as commencing on the first day of Kautic and ending on the last day of Assar.

Rules for the recovery of arrears of rent from persons employed in the manufacture.

XIX. *First.* To prevent unnecessary interruption to the manufacture, and at the same time that persons employed in it may not withhold the rents justly due from them for lands which they may rent or cultivate, the following rules are prescribed.

Not to be summoned during the manufacturing season.

Demand to be enforced by distraint, suit, or application to the Agent.

Second. From the beginning of Kautic to the end of Assar, no person under engagements and employed in the salt manufacture shall be summoned to the cutcherry of any proprietor or farmer of land, or any native holding or entrusted with the collection of the rents or revenue of lands, under any pretence whatever. If any such proprietors, farmers, or natives, shall have a claim for or relating to rent on any persons so engaged and employed, and shall be desirous of enforcing it during the period above-mentioned, they shall either distrain for the amount under Regulation XVII. 1793, or sue the stated defaulter for it in the Dewanny Adawlut, or state their claim in writing to the Agent, who, if he shall deem it expedient so to do, shall cause the stated defaulter to satisfy the claim, or satisfy it himself, and stop the amount by kistbundy from his future advances, so that his labour on account of the manufacture may not be interrupted. If the claimant shall prefer applying in the first instance to the Agent, and he shall not afford satisfaction for the claim, the claimant must distrain or commence a civil prosecution as above pointed out; but in the event of the claimant having recourse to distraint, the salt, advances, or implements belonging to the Company, in the hands of the defaulter, shall not be liable for the claim.

Salt, advances, or implements of the Company, not liable for the arrears.

XX. *First.* Persons instituting suits in the Dewanny Adawlut against any of the officers of the Agents, or any individuals under engagements on account of the salt manufacture and employed therein, are to specify their being so engaged and employed. If the summons is to be served during the months of Sawun, Bhadoon, and Assin, it shall be served on the defendant in the same manner as on other defendants not employed in the salt manufacture. If the summons is to be served between the commencement of Kautic and the end of Assar, the summons, with a copy of the complaint, shall be enclosed in a sealed cover addressed to the Agent, and superscribed with the official signature of the Judge or Register. It shall be at the option of the Agent to execute, or to cause one of his officers, or any other person whom he may think proper, to execute the security required from defendants by Section V., Regulation IV. 1793, and also the security directed by Section IX., Regulation VII. 1793, for the fees of the authorized Vakeel whom he may entertain, or to leave the party summoned to find the required security; and in the latter case, and in the event of the summons being committed to an officer of the court, if the officer shall entertain doubts of the responsibility of the security so offered, and the Agent shall declare it to be responsible, the officer shall accept the security. If the Agent shall not deem it expedient to order any of his officers or any other person to become security, and the defendant himself shall not be able to find a security whom the Agent may deem responsible, the Agent is to cause the party summoned to accompany the officer of the court to the court, or if the summons shall not have been committed to the charge of an officer, he shall cause him to be conveyed before the court.

Persons instituting suits against individuals employed in the salt manufacture to specify their being so employed.

Summons to be served immediately on the defendant during Sawun, Bhadoon, and Assin.

Summons to be served through the Agent during the manufacturing season, who may himself become security, or order any other person to become security.

Case in which the defendant is to accompany the officer to the court.

Second. The Salt Agents are to be empower their respective Assistants, whether covenanted servants of the Company or Europeans not in the Company's service, and the head officer of each of the principal aurungs or places of manufacture, and also an authorized Vakeel of the Dewanny Adawlut, or any other person whom the Agents may think it proper to station at the place at which the court may be held, to execute the securities specified in the preceding clause for persons employed in the salt manufacture, and also to redress complaints that may be preferred to them by Molungees, labourers, or others working under their respective aurungs, against their subordinate officers, or any Molungees or persons employed in the salt manufacture, on account of matters relating to the manufacture, but no other. The Agents are to be careful to keep the Judge furnished with a list of the persons so empowered, specifying also the place at which they may usually reside; and the Judges are authorized, in instances in which they may deem it proper, either from the distance of the place of abode of the agent from the place at which the person to be summoned may reside, or other circumstances, to order the summons to be enclosed to one of the persons so empowered to become security, instead of transmitting it to the Agent himself under the preceding clause, in which case, such person,

Agent may likewise empower the persons herein specified to execute securities and to redress complaints, in matters relating to the manufacture.

Judge to be furnished with a list of such persons, and their places of abode.

Judges may send the summonses to the persons so empowered, instead of the Agent.

shall proceed in the manner prescribed to the Agent where the summons may be sent immediately to him.

How summonses are to be executed, where the plaintiff shall not specify that the defendant is employed in the salt manufacture, and the summons shall be issued in the same manner as to other defendants.

Third. If a suit shall be preferred in the Dewanny Adawlut against any of the officers of the Agents, or any person under engagements on account of the salt manufacture and employed therein, without specifying that he is so engaged and employed, and a summons shall in consequence be ordered to be served on him in the same manner as on other defendants, between the commencement of Kautic and the end of Assar, the officer serving the summons, on the circumstance of the defendant being so employed being notified to him by the Agent or any of his officers, or by the defendant himself, shall deliver the summons to the nearest person empowered to execute securities, whether the Agent or his Assistant, or the head officer of an aurung, who shall proceed in the manner prescribed to the Agent in Clause First. If the officer shall receive the notification of the defendant being employed in the manufacture from the defendant only, and shall entertain doubts of his being so employed, or if he shall not entertain any such doubts but shall apprehend that he will abscond whilst he (the officer) is repairing with the summons to the person empowered to execute the securities, he shall, in such case, carry the defendant with the summons to the persons so empowered, and shall not release his person until the required securities have been executed.

How warrants for bailable offences against persons employed in the salt manufacture are to be served during the manufacturing season.

Fourth. In cases in which a person under engagements on account of the salt manufacture, and employed therein, shall be charged before the Magistrate with a bailable offence, and the warrant shall be ordered to be served at any period between the commencement of the month of Kautic and the end of Assar, the warrant shall be served in the manner directed in the preceding clauses, with regard to summonses in civil cases; with this difference, that the warrant shall require the party summoned to appear in person or by Vakeel, as the Magistrate may think proper, either during or after the manufacturing season, and specify the sum for which the security or recognizance for the appearance of the defendant is to be given, the amount of which shall be regulated by the Magistrate, according to the nature of the offence and the situation and circumstances in life of the defendant.

Return to be made on the back of summonses and warrants served as above directed.

Fifth. In all the cases specified in the preceding clauses of this section, the Agent or his Assistant, or head officer, through whom the summons or warrant may be served, shall return on the back of it, in what manner it has been served, and by whom the security has been executed.

Warrants for offences not bailable how to be executed on persons employed in the salt manufacture.

Sixth. If a charge shall be preferred to a Magistrate against any of the officers of the Agents, or any person under engagements on account of the salt manfacture, and employed therein, for an offence that is not bailable, and there shall appear to the Magistrate sufficient ground for apprehending the person so charged, the warrant for his apprehension shall require him to appear immediately in person, and shall be executed at all times in the same manner as upon persons not so engaged or employed. But the officer, after securing the offender, is to give notice thereof to the Agent or the head officer of the nearest aurung or place of manufacture.

Darogahs of police to observe the rules in Clauses Fourth and Sixth.

Seventh. The Darogahs of police are to observe the rules prescribed in Clauses Fourth and Sixth of this section, in all complaints that may be preferred to them against Molungees, labourers, or other persons in the employ of the Company.

Eighth.

Agents and their officers to be responsible for the performance of the conditions of the securities they may execute or approve.

Eighth. In all cases in which the Agents or their head officers empowered for that purpose shall become security, under any of the clauses of this section, for the appearance of any officer or person employed in the salt manufacture, or for the fees of Vakeels, or shall declare any person whom the party summoned may offer as security to be responsible, the Agent is to be considered personally answerable for the due performance of the conditions of the security, in the event of the party for whom the security may be given not performing them himself, or where the party himself shall have given the security, and it shall have been declared responsible by the Agent or his officers, in the event of the party or such surety not performing them. It will accordingly be the business of the Agents to take care to employ creditable persons only as head officers to superintend the business of the aurungs, and to become security and redress complaints, and to furnish them with proper instructions, and to take such security from them as they (the Agents) may deem sufficient to indemnify themselves for the consequences that may result from any abuse which such officers may commit in the exercise of their trust.

How summonses on persons employed in the salt manufacture are to be executed when required as witnesses.

Ninth. Summonses to officers or other persons employed in the salt manufacture to appear as witnesses, shall be served, during the manufacturing season, in the same manner as if they were parties in the cause; but the Judges are to be careful not to summon such officers or persons excepting when their attendance shall be necessary, and on their appearance to have them examined and dismissed with all practicable despatch, so that they may be absent from the business of the manufacture as short a time as possible.

Agents and their officers forbidden to apply the above rules to persons not employed in the salt manufacture.

Tenth. The Agents, and their European and native officers, are declared liable to be sued in the Dewanny Adawlut, should they apply any of the rules in the preceding clauses of this section, regarding summonses and warrants issued against persons employed in the manufacture of salt, to persons not *bonâ fide* so employed. And as the rules contained in those clauses are intended only to prevent unnecessary interruption to the manufacture, where it can be avoided without impeding the course of justice, the Judges and Magistrates are empowered, in particular cases in which it may appear to them indispensably necessary for the purposes of justice, to order the personal attendance of any native officer or person in any wise concerned or employed in the salt manufacture, whether he may be a party or a witness in the suit or prosecution, at any time during the manufacturing season, notwithstanding any thing that may be said to the contrary in those clauses, and to cause process to be executed upon him for that purpose, in the same manner as upon other individuals; but, in such cases, the Judges and Magistrates are to record on their proceedings their reasons for deviating from the prescriptions contained in the said clauses, which are to be considered as the general rules for issuing and executing such summonses and warrants, and in the summons or warrant they are to specify that it has been specially ordered to be so executed in virtue of the discretionary power vested in them by this clause, and they are moreover strictly enjoined to refrain from every unnecessary exercise of that power.

Discretionary power vested in the Judges and Magistrates of causing the immediate attendance of all natives employed in the salt manufacture at any period.

Restrictions under which this discretionary power is to be exercised.

How decrees against natives employed in the

XXI. If a decree shall be passed against a native officer, or any person under salt manufacturers are to be enforced.

under engagements on account of the salt manufacture, and actually employed in it, and the court shall order the decree to be enforced at any time between the commencement of Kautic and the end of Assar, recourse may be had to his property, but his person shall not to be attached or molested during that period. At the close, however, of the manufacturing season, [the Agent shall be responsible for his appearing before the court, if required; but the salt, or the advances, or any implements belonging to the Company, which may be in his hands, shall not be liable for the decree. But during Sawun, Bhadoon, and Assin, and also in the manufacturing season, if the Salt Agent shall signify to the Judge, through an authorized Vakeel of the court, that their attendance is not required in the business of the manufacture, the persons of all such individuals so employed shall be equally amenable with their property for decrees.

Agents and all officers amenable to the courts of judicature for official acts done in breach of any Regulation published as directed in Regulation XLI. 1793.

XXII. *First.* The Salt Agents and their Assistants, whether covenanted servants of the Company or Europeans not in the Company's service, and their native officers and agents, are declared liable to be sued in the Dewanny Adawlut for any breach of this Regulation, or any other Regulation that may be passed and printed in the manner directed in Regulation XLI. 1793, but under the rules and restrictions prescribed in the following clauses of this section.

During the manufacturing season, Molungees and others to apply in the first instance to the Agent for redress, if they shall deem themselves aggrieved by him.

Second. During the manufacturing season, if any Molungee, or a labourer, or any other person who may be employed in the salt manufacture, shall deem himself aggrieved by any act or order of the Agent himself, he shall in the first instance state his complaint in person, or by Vakeel, to the Agent, and in the event of the Agent refusing to afford him the required redress, or of his omitting to grant it within a reasonable time, the complainant shall be at liberty to sue him in the Dewanny Adawlut.

How Molungees, &c. are to obtain redress in the boiling season against the head officers of the aurungs.

Third. During the manufacturing season, if a Molungee, or a labourer, or any other person who may be employed in the salt manufacture, shall deem himself aggrieved by any act of the Assistant to the Agent, or the head officer of an aurung or place of manufacture vested with the power of becoming security and redressing complaints, he shall in the first instance state his complaint in person, or by Vakeel, to the Agent, or the officer from whom he may have sustained the injury. If he shall first apply to such officer, and he shall refuse to afford him the required redress or omit to grant it within a reasonable time, he shall have recourse to the Agent; and if he shall, in like manner, omit or refuse to give redress, the complainant shall be at liberty to sue the officer from whom he may have sustained the injury, or the Agent, in the Dewanny Adawlut, and the court shall hold the officer or the Agent responsible accordingly.

How Molungees, &c. are to obtain redress in the boiling season against any persons under the authority of the head officers of the aurungs.

Fourth. During the manufacturing season, if any Molungee, or labourer, or other person who may be employed in the salt manufacture, shall deem himself aggrieved by any native officer subordinate to the head officer of the aurung under which he may work, or by any contractor, Byoparry, or Molungee, he shall in the first instance apply for redress in person, or by Vakeel, to the Agent or his Assistant, or to the head officer of the aurung; and in the event of his applying first to the Assistant or head officer, and being refused redress, or not obtaining it in a reasonable time, he shall have recourse to the Agent; and if he shall, in like manner, omit or refuse to give redress, the complainant may sue either the party from whom he may have sustained the injury, or the agent or officer to whom he may have applied for redress, in the Dewanny Adawlut; and in the event of his suing the Agent or such officer, the court shall consider him responsible, in the event of the plaintiff establishing his complaint, in the same manner as if the complainant had received the injury immediately from him.

Courts not to receive complaints in the cases specified in the three preceding clauses, unless satisfied that the required previous application for redress has been made.

Fifth. In the cases specified in the three preceding clauses, the courts are not to receive the suit of the complainant, unless he shall prove, either by oath, or, in any other mode which the court may deem satisfactory, that he made the previous application for redress to the Agent, as directed in those clauses.

Complainants not to quit their work to prosecute complaints in the cases above specified, but to employ Vakeels.

Sixth. In the several cases specified in Clauses Second, Third, and Fourth, of this section, the complainant, if the engagements which he may have entered into on account of the manufacture be not completed, shall not quit the place of manufacture to prosecute his complaint in person, without the permission of the head officer of the aurung under which he may work, or of the Agent or his Assistant, but shall employ a Vakeel for that purpose, unless he shall offer to substitute a person to perform his work in his room, and the Agent or his Assistant, or the head officer of the aurung, shall be of opinion that the work will be equally well performed by the person so offered to be substituted, in which case the Agent or his Assistant, or officer, shall permit the complainant to depart.

Exception.

Agents may take upon themselves redress of complaints made to their officers.

Seventh. Agents may take upon themselves the redress of complaints depending before their Assistants or head officers empowered to redress complaints; and they may also set aside or alter the awards on any complaints that may have been given by their Assistants or head officers, and give such award as may appear to them equitable.

Persons dissatisfied with the awards of the Agents may appeal to the Dewanny Adawlut.

Eighth. Complainants or persons complained against, who may be dissatisfied with the awards of the Agents or their Assistants, or head officers, may appeal therefrom to the Dewanny Adawlut, and the appeal shall be admitted, provided it be preferred to the court before the commencement of the ensuing manufacturing season; or it may be admitted after that period, if the party appealing can show to the court satisfactory cause for not having preferred the appeal within the limited time.

Agents may undertake the defence of any suits instituted in the Adawlut against their officers.

Ninth. The agents are authorized, in cases in which they may deem it advisable so to do, to undertake the defence of any suit that may be instituted in the Dewanny Adawlut against their Assistants or any of their officers, or other persons employed by them in the business of the manufacture; but, in such cases, the Agent himself is to be considered as responsible for the decree of the court.

In Sawun, Bhadoon, and Assin, any person employed in the salt department may sue the Agent or any of his officers or others in the Adawlut, without making any previous application whatever for redress;

or they may make previous application for redress, as directed in this section, in the manufacturing season.

Tenth. During the months of Sawun, Bhadoon, and Assin, Molungees, labourers, and all other persons having entered into engagements on account of the salt manufacture, or having been employed in it, who may consider themselves aggrieved by any acts done by the Agent or his Assistant, or any of his officers or other persons employed by him, in breach of this Regulation, or any other Regulation printed and published in the manner directed in Regulation XLI. 1793, are declared to have the option of suing, either in person or by Vakeel, the party from whom they may have sustained the injury in the Dewanny Adawlut, without preferring the previous application for redress directed in the preceding clauses of this section to be made during the manufacturing season, or they may pursue the mode of redress pointed out in those clauses, and the parties bound thereby to give redress shall afford it in the same manner as if application had been made to them for that purpose during the said season; and further, with a view to insure to the Molungees, labourers, and other persons engaged in the manufacture, speedy redress of injuries they may sustain, the courts are required, in cases in which they may prefer the former mode of applying for redress pointed out in this clause, to bring the suits to a termination as expeditiously as possible, by trying them in preference to other suits.

How process of the courts to Salt Agents and their Assistants is to be served on them.

XXIII. When any process or order shall be issued by the courts of civil judicature, or the Magistrates, to a Salt Agent or his Assistant, the Judge, or the Register to the court, is to forward it under a sealed cover addressed to the Agent or Assistant, and superscribed with his official attestation. The Agent or his Assistant is immediately to acknowledge the receipt of the order or process, by an endorsement to that effect on the back of it, and is to return it under a sealed cover addressed to the Judge or Register.

In suits of a personal nature instituted against Salt Agents and their officers, they are to appoint Vakeels and defend the suit at their own risk.

XXIV. In cases in which suits may be instituted in the Dewanny Adawlut against an Agent or his Assistant, or the head officer of an aurung, for a breach of this Regulation, or any other Regulation printed and published in the manner directed in Regulation XLI. 1793, and where the act complained of shall not have been done pursuant to special orders from the Board of Trade or the Governor General in Council, the Agent or his Assistant, or officer who may be prosecuted, is to appoint an authorized Vakeel of the court to defend the suit at his own risk.

Where Salt Agents or their officers may be engaged in suits, pursuant to orders from the superior authorities, they are to be carried on at the public expense.

XXV. In cases in which the Agents or their Assistants, or any of the head officers of the aurungs, may be sued for an official act done in pursuance of the orders of the Governor General in Council or of the Board of Trade, or in cases in which they may be ordered by either of those authorities to defend or prosecute a suit, the prosecution or defence shall be carried on at the expense of Government, either by the Vakeel of Government or any other authorized Vakeel of the court, as the Board of Trade or the Agent may deem proper, notwithstanding any thing that may be said to the contrary in any Regulation passed on this date.

Cases in which the Board of Trade may make agents or their officers responsible for the whole or any part of costs or damages, or decrees of the courts.

XXVI. If the Board of Trade shall approve, either wholly or in part, of a decision given against an Agent or his Assistant, or any of his head officers, in suits of the description of those specified in Section XXIV., they are empowered to make the person against whom the decision may be given, or the act complained of may have been done, responsible for the whole or any part of the costs and damages awarded by the decree, or of the decree itself, if upon a consideration of the merits of the case and of the conduct of the person against whom the decree may be given, or by whom the act complained of may have been done, they shall be of opinion that Government ought not to be charged with all or any part of such costs or damages, or of the amount decreed. But, in such cases, the person whom the Board may so hold responsible, shall be at liberty to appeal the cause at his own risk.

Board of Trade may authorise an appeal

XXVII. If the Board of Trade shall be dissatisfied with any decree passed against from any decision passed against the Agents or their officers.

against an Agent or his Assistant, or any of his officers, either in suits of the description of those specified in Sections XXIV. or XXV., they may authorize an appeal from it under the Regulations; in which case, the appeal shall be carried on in the provincial court and in the Sudder Dewanny Adawlut (should the cause be carried to the last-mentioned court) by the Vakeel of Government, or by any other authorized Vakeel of the court into which the cause may be brought, notwithstanding any thing that may be said to the contrary in any Regulation passed on this date.

Security not to be demanded from Agents or their Assistants, or head officers of aurungs, for costs or damages, or the performance of decrees of the court.

XXVIII. Security is not to be demanded from the Agents or their Assistants, nor from the head officers of aurungs whom they may empower to become security and redress complaints, for their personal appearance in any suit in which they may be engaged in their official capacity, nor for the payment of costs or damages, or for the performance of the decrees or orders of the court. The Governor General in Council will be responsible that the Agents and their Assistants who may be covenanted servants of the Company, shall answer the suits that may be instituted against them, and fulfil the decrees of the courts, and he will hold the Agents answerable that their European Assistants who may not be in the service of the Company shall appear to answer suits preferred against them, and make good the decrees that may be passed against them. With regard to the native officers subordinate to the head officers of the aurungs, and all other persons employed in the manufacture, security must be taken from them, and the decrees passed against them enforced in the manner directed in Sections XX. and XXI.

Agents, &c. not liable to prosecution for the acts of their predecessors.

What suits they are bound to defend after removal from office.

XXIX. The Agents, their Assistants, and head officers of aurungs, shall not be liable to prosecution for any official acts of their predecessors. But persons who may be removed from an agency or an assistantship, or the appointment of head officer of an aurung, are to carry on, in the same manner as if they had continued in the office, all suits instituted against them in their official capacity; unless the Board of Trade, upon a consideration of the circumstances of the cases, shall deem it advisable to order the Agent for the time being to carry on the suits. This rule, however, is not to extend to suits in which an Agent or an Assistant, or head officer of an aurung, who may have been removed, shall have been engaged in virtue of orders from the Board of Trade or the Governor General in Council. All such suits are to be carried on by the Agent for the time being at the risk of Government.

Agents, &c. allowed to forward instructions to their Vakeels in the courts of appeal by the dawk, free of postage.

Instructions to be sealed and enclosed under a sealed cover addressed to the Register of the court.

XXX. To facilitate the communication between the Agents and their Assistants, and head officers of aurungs, and the Vakeels in the zillah or city courts, or the provincial courts of appeal, and the Sudder Dewanny Adawlut, who may be entrusted with the conduct of any suits or appeals in which they may be engaged in their official capacity, either whilst they may continue in the office or after their removal from it, they are permitted to forward, free of postage, any instructions which they may have occasion to transmit to the Vakeels of those courts. The instructions are to be enclosed under a sealed cover directed to the Vakeel. The instructions, so sealed and directed, are to be transmitted under a sealed cover addressed to the Register of the court in which the cause may be depending, and are to be superscribed with the name and the official appellation of the person despatching them, or that which he bore when the cause of action arose. The Register of the court, immediately on receiving the instructions, is to deliver them sealed to the Vakeel to whom they may be directed. In like manner, the Vakeels in any of the courts to whom the pleading of such suits or appeals may be committed under this Regulation, by persons holding or having held the office of Agent, Assistant, or head officer of an aurung, are authorized, either whilst their constituents remain in such office or after they shall have been removed from it, to forward any papers which they may have to convey to their constituents by the public dawk free of postage. The papers are to be enclosed in a cover sealed with the seal of the Vakeel, and the Judge or the Register of the court is to transmit the papers, so sealed, in a cover addressed to the person to whom they are to be forwarded, and subscribe the cover with his official signature.

Cases in which the Board of Trade are to take upon themselves the prosecution or defence of suit or any appeal.

XXXI. In cases in which the Board of Trade may judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they shall take upon themselves the superintendence of the prosecution or defence of any suit or appeal in which they or their officers may be engaged, either in a zillah or city court, a provincial court of appeal, or the Sudder Dewanny Adawlut, instead of leaving the superintendence of the conduct of the suit or appeal to the Agent or any other officer.

Agents and their Assistants, and head officers, not to derive any pecuniary advantage from suits in which they may be engaged, nor to suffer any loss, if their conduct be approved by the superior authorities.

To bring to account all sums adjudged to them, and to issue from their treasury the expenses of suits in which they may be engaged, but not to pass them to the debit of Government, without the sanction of the Board of Trade.

XXXII. The Agents and their Assistants, and head officers of aurungs, are not to derive any advantage whatever from suits in which they may be engaged in any of the courts of justice in their official capacity. On the other hand, it is not intended that they should sustain any loss in consequence of such suits, where their conduct may be approved by the Board of Trade or the Governor General in Council. The Agents and their Assistants, and head officers of aurungs, are accordingly to bring to the credit of the Company in their public accounts, all sums whatever that may be adjudged to them by any of the courts of justice; and they are to note at the foot of their accounts, or in a separate account, or under a distinct head in their accounts, according as the Board of Trade may direct, all sums which they may disburse or be adjudged to pay, on account of any suits or prosecutions in which they may be engaged or concerned, in their official capacity; but no such disbursements or payments are to be considered as passed to the debit of Government until the previous sanction of the Board of Trade shall have been obtained for that purpose, and until such sanction is procured, the Agents or their Assistants, or head officers on whose account the disbursements or payments may be made, are to be held answerable for the amount.

Natives aggrieved by acts done in opposition to this Regulation, pursuant to orders from the Governor General in Council or the Board of Trade, how to obtain redress.

XXXIII. If any Byoparry, Molungee, or other person who may have received advances on account of the salt manufacture or have been employed in it, shall deem himself aggrieved by any act done in breach of this Regulation by an Agent or his Assistant, or the head officer of an aurung, pursuant to special orders from the Board of Trade or the Governor General in Council, he will be at liberty to seek redress in the mode prescribed for such cases in Section XI., Regulation III. 1793.

A. D. 1793. REGULATION XXX.

A.S.

A Regulation *for preventing the illicit Manufacture or Importation of Salt*; Passed *by the Governor General in Council on the* 1*st May* 1793 (*corresponding with the* 21*st Bysaak,* 1200 *Bengal æra; the* 6*th Bysaak,* 1200 *Fussily; the* 21*st Bysaak,* 1200 *Willaity; the* 6*th Bysaak,* 1850 *Sumbut; and the* 19*th Ramzaan,* 1207 *Higeree*).

I. To secure to Government the revenue which it derives from having reserved to itself the exclusive right of manufacturing salt in the provinces, it is necessary that individuals should be prevented from importing foreign salt, or making salt in the provinces on their own account; the following rules, being the rules passed for the above purposes previous to this date, with alterations and modifications, have been accordingly enacted.

II. Salt shall not be made in the provinces of Bengal, Behar, or in the part of Orissa under the dominion of the Company, excepting on account of Government or with their sanction; and all salt made directly or indirectly in breach of this prohibition is declared liable to confiscation.

Salt not to be made in the provinces but on account of Government.

Salt made in breach of this prohibition liable to confiscation.

III. Foreign salt, under which denomination is included all salt made out of the limits of Bengal and Behar, and the part of Orissa under the dominion of the Company, shall not be imported into Bengal or Behar, or the Company's portion of Orissa, excepting on account of Government, or with their special sanction, or in virtue of any Regulation printed and published in the manner prescribed in Regulation XLI. 1793; and any salt that may be imported, or attempted to be imported, in opposition to this prohibition, is declared liable to confiscation, and the person giving information of salt so imported, shall, on the salt being confiscated and sold by Government, receive a reward of twenty-five per cent. on the proceeds of the sale.

Importation of foreign salt prohibited under the penalty of confiscation.

Exception.

IV. *First.* Muscat salt is allowed to be imported on ships importing from Bombay or Muscat, under the following rules and restrictions.

Muscat salt allowed to be imported under the following restrictions.

Second. No greater quantity than two hundred maunds of Muscat salt, each seer weighing eighty-two sicca weight, shall be imported in any one vessel importing from Bombay, and no quantity exceeding five hundred such maunds in any one vessel importing from Muscat.

Two hundred maunds may be imported in any vessel from Bombay, and five hundred maunds in any vessel from Muscat.

Third. The salt allowed to be imported under the preceding clause is to be accompanied with a certificate, duly authenticated, from the officers of the customs at Bombay or Muscat, that the salt is the produce of, or has been exported from Muscat.

Salt to be accompanied with certificates from the custom-house officers of Bombay or Muscat that it comes from the latter port.

Fourth. If any Muscat salt, exceeding the quantities authorized to be imported in Clause Second, shall be imported, or be attempted to be imported, in any one vessel, or if any such salt, being within the quantities authorized to be imported in that clause, shall be imported, or attempted to be imported, without the certificate required by Clause Third, the whole of the salt in such vessel will be liable to confiscation.

Salt imported in breach of the rules in either of the two preceding clauses liable to confiscation.

V. *First.* The salt Agents and their officers, and the officers of the salt chokies, on receiving information of any salt having been illegally manufactured or imported, in breach of the prohibitions contained in Sections II., III.,

Salt Agents and their officers, and the officers of the salt chokies, empowered to attach salt illegally made or imported.

III., or IV., are empowered to attach the same without giving previous notice to the Judge or Magistrate of the district; or if they shall deem it necessary, they may apply to the Magistrate, or any of the Darogahs of police, to assist them in seizing the salt, and on such application being made, the Magistrate or Darogah shall afford the assistance required.

Seizures made by the salt officers to be reported without delay to the agents or the Board of Trade.

Penalty for disobedience to this rule.

Second. Officers of the Agents making seizures of salt are to transmit without delay, and by the most expeditious mode of conveyance of which they can avail themselves, a report of the circumstances of the seizure to the Agent. If the officer seizing the salt shall make any unnecessary delay in forwarding the required report, or shall omit to forward it, he shall be liable to a prosecution in the Dewanny Adawlut for damages by the proprietor, and to dismission from office, and to forfeit to Government any reward he might be entitled to in the event of the salt being confiscated. Officers acting under the immediate orders of the Board of Trade, are to transmit similar notice, in such cases, to that board, and under the like penalties, in case of delay or failure in forwarding it.

Salt once seized by officers not to be released without orders from the Agents or the Board of Trade.

Third. Officers of the Agents, and those acting immediately under the Board of Trade, are prohibited from releasing any salt they may have once seized, without orders from the Agents or the Board of Trade. The Agents, however, may order any salt seized by their officers to be released, if they shall be of opinion, on inquiry, that it is not liable to confiscation; but they shall invariably report the release of the salt to the Board of Trade.

Agents and officers of the Board of Trade to report seizures, with all the circumstances, to that Board without delay.

VI. In all cases in which the Agents or their officers, or any of the officers acting under the immediate orders of the Board of Trade, may make seizures of salt, the Agents or the officers immediately under the Board of Trade, if the seizure shall have been made by them, shall transmit notice of the seizure, and all the circumstances relating to it, to the Board of Trade with all practicable despatch, that they may proceed regarding it as hereafter directed.

Landholders, &c. to inform the Magistrates or Salt Agents, or their officers, of salt illicitly made or imported in the lands to which their authority may extend.

Penalty for natives of the above descriptions guilty of a breach of this rule.

VII. Proprietors of land, and farmers of land holding their farms immediately of Government, dependent Talookdars, and under-farmers farming lands of such proprietors, farmers, and Talookdars, managers of estates of disqualified landholders, and Tehseeldars, are required to give immediate information to the nearest Magistrate or Salt Agent, of any salt that may be illegally made or imported into the lands of which they may respectively have charge, under pain of being liable to a penalty of twenty-five per cent. to Government on the value of the salt (estimating it according to the price at which the salt may be sold, should it be confiscated and disposed of by Government, or should it not be seized and sold, agreeably to the average price at which salt of the same species may sell at the sales of the year in which such contraband salt may be manufactured or imported), that may be proved in the Dewanny Adawlut to have been so made or imported with their knowledge or connivance, exclusive of the penalty of confiscation, should the salt belong to them. The Magistrates shall detain any such salt of which they may receive information, if they shall believe it to be liable to confiscation, and cause is to be delivered over to the nearest Agent, or to the officers of the Board of Trade, that the Board may proceed with it as hereafter directed.

Salt transported without a rowannah

VIII. *First.* Salt attempted to be transported within the provinces, by land or by water, without a rowannah or char-chitty from the proper officer, is declared liable to seizure and confiscation.

or char-chitty liable to confiscation.

Second. If any person shall attempt to transport, by land or water, under a rowannah or char-chitty, a greater quantity of salt than may be specified in the rowannah or char-chitty, the whole of the quantity so attempted to be transported shall be liable to seizure and confiscation.

Salt attempted to be transported under a rowannah or char-chitty for a smaller quantity liable to confiscation.

Third. Any person giving information of salt attempted to be transported in opposition to the two preceding clauses, shall, on the confiscation and sale of the salt, receive a reward of twenty-five per cent. on the proceeds of the sale.

Informers entitled to twenty-five per cent. on the sales of salt specified in the two preceding clauses that may be confiscated.

IX. The boats, bullocks, or other cattle, and the carriages on which salt made, transported, or imported, in opposition to the rules contained in this Regulation, may be loaded, shall be liable to confiscation and sale, equally with the salt, and under the same rules and restrictions, and the informer shall be allowed twenty-five per cent. on the proceeds of the sale of such boats, cattle, or carriages.

Boats, cattle, and carriages on which salt illegally made, imported or transported may be loaded, liable to confiscation.

Informer entitled to twenty-five per cent. on the proceeds of the sale.

X. On a seizure of salt being reported to the Board of Trade, they shall take the circumstances relating to it into consideration without delay. If they shall determine that the salt is not liable to confiscation, they shall order it to be released; and if it shall have been seized by any of the agents, or any officers of the salt department, the seizers shall be liable to be sued for damages in the Dewanny Adawlut by the proprietor of the salt, and the person having made the seizure shall defend the suit at his own risk. In such cases, however, the Board of Trade, if on a consideration of the circumstances and the conduct of the person by whom the seizure may have been made, they shall deem it proper so to do, may indemnify him for the consequences of the suit, or order it to be defended on the part of Government, or adjust the matter with the proprietor of the salt, reporting the measures which they may adopt to the Governor-General in Council for his information.

Board of Trade to take the circumstances of seizures of salt into immediate consideration.

How to proceed if they shall determine the salt not liable to confiscation.

XI. If the Board of Trade, on a seizure of salt being reported to them, shall be of opinion that it is liable to confiscation, they shall confiscate it, with the boats, cattle, or carriages on which it may have been loaded, and proceed to the sale thereof when it may be deemed advisable. Any person dissatisfied with their decision shall be at liberty either to prosecute Government in the court of Dewanny Adawlut of the zillah or city in which the seizure may be made, in which case the Judge shall proceed as directed in the cases specified in Section XI., Regulation III. 1793, or to apply immediately to the Governor-General in Council, who will either leave the complainant to seek his remedy in the mode pointed out in that section, or afford such redress as may appear to him equitable.

Or where they shall consider it subject to confiscation.

How persons dissatisfied with confiscations made by the Board of Trade are to apply for redress.

Engagement to be made in writing, attested by not less than two witnesses.

Second. All engagements with weavers are to be made in writing, attested by at least two credible witnesses. One copy of the writing is to remain with the Commercial Resident or his officers, and the remaining copy with the other party to the engagement.

Weavers not choosing to take further advances, to give a fortnight's notice.

Third. Weavers under engagements to the Company, and who may not intend to take further advances, shall give at least a fortnight's notice of their intention.

No weavers to work for individuals or bazar sales, until they have completed their engagements on account of the investment.

Fourth. Weavers indebted to the Company, who have received advances from them or come under engagements to them, shall, in discharge of such debt, advances, or engagements, deliver cloths according to agreement. They shall, on no account, give to any other person or persons whatever, European or native, either the labour or the produce engaged to the Company; and if they have not fulfilled their engagements by the period agreed on, they shall not work for newer engagements nor for Bazar sales, until those engagements are completed.

Peons may be put on weavers failing in their engagement for the purposes herein specified.

Fifth. When any weaver fails to deliver by the stipulated periods the cloths for which he may have engaged, the Commercial Resident shall be at liberty to place Peons upon him, in order to quicken his deliveries and prevent his infringing the two restrictions in the latter part of Clause Fourth.

Penalty for weavers disposing of cloths to individuals whilst they are deficient in their deliveries on account of the investment.

Sixth. If, notwithstanding the restrictions in the latter part of Clause Fourth, any weaver shall, by himself or by any other person, sell cloths to private merchants, Europeans or natives, or to dealers or agents of whatever description, whilst he is deficient in his stipulated deliveries on account of the Company's investment, he shall be liable to be prosecuted in the Dewanny Adawlut, and upon proof of the fact he shall be adjudged to forfeit to the Company all that the produce of the cloths so sold, rated either at what he got for them or their bazar value, shall exceed the ordinary prime cost of the thread in them, with costs of suit besides, and moreover be obliged to complete his engagements.

Penalty for weavers failing in their stipulated deliveries.

Seventh. Weavers possessed of more than one loom and entertaining one or more workmen, shall be subject to a penalty of thirty-five per. cent. on the stipulated price of every piece of cloth that they may fail to deliver according to the written agreement which they may have executed, in addition to the repayment of the money advanced for the same.

How the penalty in the preceding clause is to be recovered.

Eighth. The penalty specified in the preceding clause shall be sued for in the Dewanny Adawlut, and shall be recoverable on the agreement with the weaver and the failure in his deliveries being proved.

List of weavers employed by the Company to be fixed up in the cutcherry of the Collector.

IV. A list or register of the weavers employed in the provision of the Company's investment, in every pergunnah, specifying their places of abode, shall be fixed up by the Commercial Resident in the cutcherry of that pergunnah, and shall be corrected at the beginning of every week or month, according to the alterations that may have happened in the week or month preceding. The officers of the cutcherry are to give immediate permission for the exhibition of the list, and the Commercial Resident shall transmit a copy of it, in the native languages, once in every three months to the Judge of the zillah.

Persons procuring from weavers cloths made with the Company's advances how to be proceeded against.

V. Persons procuring from weavers in the Company's employ, by the offer of ready money, or under the pretence of previous engagements which were not avowed, cloths really wrought for the Company and with their advances, knowing such cloths to be the right of the Company, either by the mark upon them or the transactions between the weavers from whom they procure them and the Company, or having reason for such knowledge from the notoriety of such weavers being in the Company's employ, or discovering the same by the clandestine methods they take to obtain the cloths, shall be liable to be sued for damages in the Dewanny Adawlut; and on proof of the fact to its satisfaction, the court shall award to the Company such amount as may appear to it equitable, in addition to the cloths so obtained. But for purchases openly and fairly made in the public hauts and bazars, the buyers shall not be liable to prosecution, unless the cloths have the Company's mark upon them.

No persons to use means to prevent individuals being engaged in the Company's employ.

VI. All officers of Government, proprietors and farmers of land, and dependent Talookdars, under-farmers and Ryots, and their agents and dependents, are enjoined not to hinder the Commercial Residents or their officers from access to weavers or other persons, in order to treat with them about the Company's business; nor are they to use any arts, menaces, or punishments, to deter weavers or other persons from accepting the Company's advances, under pain of being liable to be sued for damages in the Dewanny Adawlut.

No public officers or any individuals to behave with disrespect to the Residents or their officers:

nor to impede the business of the investment, but to assist it to the utmost of their power.

VII. All officers of Government, proprietors and farmers of land, Talookdars, under-farmers and Ryots, and their agents and dependents, are strictly prohibited from behaving with disrespect to the Commercial Residents or their officers; and they are required, on application from the Commercial Residents, or their officers, to afford every assistance for the protection of the weavers and other persons employed by the Company and the security of the investment, that may be consistent with the powers and authority vested in them and the Regulations.

Weavers, in their capacity of Ryots, to be subject to the same regulations as other Ryots, with the exceptions hereafter specified.

VIII. Weavers employed by the Company who may cultivate or rent land, are to pay the rent according to their pottahs, in the same manner as other Ryots or renters, and under the same rules and regulations; with the exceptions hereafter specified, as to the mode of demanding and enforcing payment of arrears of rent due from them.

Rules for the recovery of arrears of rent from weavers in the Company's employ.

IX. *First.* To prevent unnecessary interruption to the provision of the investment, and at the same time that weavers and other persons employed in the provision of it may not withhold the rent justly due from them for land which they may rent or cultivate, the following rules are prescribed.

Weavers, &c. in the Company's employ not to be summoned by any native concerned in the collections of the rents or revenue of lands.

Second. No weaver or other manufacturer, Gomastah, or other officer or person employed in the provision of the Company's investment, shall be summoned to the cutcherry of any proprietor or farmer of land, or any native holding or entrusted with the collection of the rents or revenue of lands, under any pretence whatever. If any such persons shall have claims on such weavers, manufacturers, Gomastahs, or officer, for or relating to arrears of rent, they shall either distrain for the amount under Regulation XVII. 1793, or sue the defaulter for it in the Dewanny Adawlut, or state their claim in writing to the Commercial Resident, who, if the weaver or other person be then actually employed by the Company, may, if he shall deem it expedient so to do, cause him to satisfy the claim, or satisfy it himself, and stop the amount by kistbundy from his future advances, so that his labour on account of the Company's investment may not be interrupted: but the cloth, thread, or advances belonging to the Company in the hands of such weaver or other person, shall in no case be liable for such demand, but shall be restored to the Resident.

How summonses are to be served on weavers or other persons in the Company's employ who may be sued in the Dewanny Adawlut.

X. *First.* Persons instituting suits in the Dewanny Adawlut against a weaver or other manufacturer, or any officer or person employed in the provision of the Company's investment, are to specify his being so employed in the bill of plaint. In such cases, the summons, with a copy of the plaint, shall be enclosed to the Commercial Resident, under asealed cover addressed to the Resident, and superscribed with the official signature of the Judge or the Register. It shall be at the option of the Resident to execute, or to cause one of his officers, or any person whom he may think proper, to execute the security required from defendants by Section V., Regulation IV. 1793, and also the security directed to be taken by Section IX., Regulation VII. 1793, for the fees of the authorized Vakeel whom the defendant may entertain, or to leave the party summoned to find such securities; and in the latter case, if the officer of the court bearing the summons, where it shall have been transmitted by an officer, shall entertain any doubt of the responsibility of the security so offered, and the Resident shall deem it to be sufficient, the officer shall accept the security. If the Resident shall not think it proper to order any of his officers or any other person to become security, and the defendant himself shall not be able to find security which the Resident may deem responsible, he is to cause the defendant to accompany the officer of the court to the court, or if no officer shall have been sent with the summons, to appear in person before the court, that he may be dealt with in the same manner as other defendants not giving the required security.

Residents to empower persons to become security, and Judges may transmit summonses to them.

Second. The Residents are to empower the head officer at each of the different aurungs or kotees subordinate to them, and also an authorized Vakeel of the Dewanny Adawlut, or any other person whom they may think it proper to station at the place at which the court may be held, to execute securities for the persons, and in the cases specified in the preceding clause. The Residents are to be careful to keep the Judges furnished with a list of the persons so empowered, specifying also the place at which they may usually reside; and the Judges are authorized, in instances in which they may deem it proper, either from the distance of the place of abode of the Resident from the place at which the party summoned may reside, or other circumstances, to order the summons to be enclosed to one of the persons so empowered to become security, instead of transmitting it to the Resident himself under the preceding clause, in which case such person shall proceed in the same manner as the Resident is directed to proceed, where the summons may be sent immediately to him.

How obedience to a summons is to be enforced, if issued against a person employed in the Company's investment without its having been so specified in the plaint.

Third. If any person shall prefer a suit in the Dewanny Adawlut against a weaver or other manufacturer, or any officer or person employed in the provision of the Company's investment, without specifying that the defendant is so employed, and the summons shall in consequence be ordered to be served on the defendant in the same manner as on other defendants, the officer serving the same, upon the circumstance of the defendant being so employed being notified to him by the Resident or any of his officers, or by the defendant himself, shall deliver the summons to the nearest person empowered to execute the securities in the cases specified in Clause First, whether the Resident or the head officer of an aurung or kotee, who shall proceed in the manner prescribed to the Resident in that clause. If the officer shall receive the notification of the defendant being in the Company's employ from the defendant only, and shall entertain doubts of his being so employed, or if he shall not entertain any doubt of his being so employed, but shall apprehend that he will abscond whilst he (the officer) is repairing with the summons to the person empowered to execute the securities, he shall in such case carry the defendant with the summons to the person so empowered, and shall not release him until the required securities have been executed.

How warrants for bailable offences against persons employed in the investment are to be served.

Fourth. In cases in which a weaver or other manufacturer, or any officer or person employed in the provision of the Company's investment, shall be charged before the magistrate with a bailable offence, the warrant shall be served in the manner directed in the preceding clauses with regard to summonses in civil cases; with this difference, that the warrant shall require the party summoned to appear in person or by Vakeel, as the Magistrate may think proper, and shall specify the amount of the sum for which the security or recognizance for the appearance of the defendant is to be given, and the amount of which shall be regulated by the Magistrate, according to the nature of the charge and the situation and circumstances in life of the defendant.

Return to be made on the back of summonses and warrants served as above directed.

Fifth. In all cases specified in the preceding clauses of this section, the Resident or head officer through whom the summons or warrant may be served, shall return on the back of it in what manner it has been served, and by whom security has been executed.

Warrants for offences not bailable, how to be executed on persons in the Company's employ.

Sixth. If a charge shall be preferred to a Magistrate against any weaver or other manufacturer, or any officer or person employed in the provision of the Company's investment, for an offence that is not bailable, and there shall appear to the Magistrate sufficient ground for apprehending the person so charged, the warrant for his apprehension shall require him to appear immediately in person, and shall be executed in the same manner as upon persons not so employed. But the officer, after securing the offender, is to give notice of his apprehension to the Resident or the head officer of the nearest aurung or kotee.

Darogahs of police to observe the rules in Clauses Fourth and Sixth.

Seventh. The Darogahs of police are to observe the rules prescribed in Clauses Fourth and Sixth of this Section, in complaints that may be preferred to them against weavers or other manufacturers, or officers or persons in the employ of the Company.

Residents and their head officers to be responsible for the performance of the conditions of the securities they may execute or approve.

Eighth. In all cases in which the Residents, or their head officers empowered for that purpose, shall become security, under any of the clauses of this section, for the appearance of any person employed in the investment, or for the fees of his Vakeel, or shall declare any person whom the party summoned may offer as security, to be responsible, the Resident is to be considered personally answerable for the due performance of the conditions of the security, in the event of the party for whom the security may be given not performing them himself, or where the party himself shall have given the security, and it shall have been declared responsible by the Resident or his head officer of an aurung or kotee, in the event of the party or his surety not performing them. It will accordingly be the business of the Residents to take care to employ creditable persons only as head officers at the several aurungs and kotees to superintend the business, and become security, and to furnish them with proper instructions, and to take such security from them as they (the Residents) may deem sufficient to indemnify themselves for the consequences that may result from any abuse which such officers may commit in the exercise of their trust.

How summonses on persons employed in the investment when required as witnesses are to be executed.

Ninth. Summonses to weavers or other manufacturers or officers, or any persons employed in the Company's investment, as witnesses, shall be served in the same manner as if they were parties in the cause; but the Judges are to be careful not to summon such persons excepting when their attendance shall be absolutely necessary, and on their appearance to have them examined and dismissed with all practicable despatch, so that they may be absent from the business of the investment as short a time as possible.

Residents and their head officers forbidden to apply the above rules to persons not employed in the Company's investment.

Discretionary power vested in the Judges and Magistrates of causing the immediate attendance of all natives employed in the investment.

Restrictions under which this discretionary power is to be exercised.

Tenth. The Residents and their head officers are declared liable to be sued in the Dewanny Adawlut, should they apply any of the rules in the preceding clauses of this section regarding summonses and warrants issued against persons employed in the investment, to persons not *bonâ fide* so employed. And as the rules contained in those clauses are intended only to prevent unnecessary interruption to the investment, where it can be avoided without impeding the course of justice, the Judges and Magistrates are empowered, in particular cases in which it may appear to them indispensably necessary for the purpose of justice, to order the personal attendance of any native officer or person in any wise concerned or employed in the investment, whether he may be a party or a witness in the suit or prosecution, notwithstanding any thing that may be said to the contrary in those clauses, and to cause process to be executed upon him for that purpose, in the same manner as upon other individuals; but, in such cases, the Judges and Magistrates are to record their reasons for deviating from the prescriptions contained in the said clauses, which are to be considered as the general rules for issuing and executing such summonses and warrants, and in the summons or warrant they are to specify that it has been specially ordered to be so executed, in virtue of the discretionary power vested in them by this clause; and they are, moreover, strictly enjoined to refrain from every unnecessary exercise of this discretionary power.

Transactions between private traders and weavers cognizable in the courts of Dewanny Adawlut, the Judges of which are to decide according to the case and the Regulations.

XI. All complaints of weavers against individual traders, and *vice versâ*, are to be considered as matters of a private nature between the parties, who are to have recourse to the proper courts of judicature, should they have any ground of complaint against each other for breach of engagements or other cause. The courts are to decide according to the tenour of the engagements between the parties, if any engagements exist, and the Regulations. But where weavers are employed at the same time by more than one foreign or private Agent, they shall deliver first to the previous contractor, and afterwards to the other, according to priority of engagements.

Decisions in favour of private traders against weavers previously in the employ of the Company, to be made with a saving of their claims, which are to be first satisfied provided they be proved.

XII. *First.* Decisions in favour of private merchants or other individuals against weavers who were in the employ of the Company at the time they entered with such private merchants or individuals into the agreements on which they are sued (their having been so employed being proved by the lists of the Company's weavers published at the cutcherries and transmitted to the Judge of the Dewanny Adawlut, as directed in Section IV., as well as by the dates of the respective agreements and transactions consequent to them), shall be made with a saving to the Company of their claims on such weavers, which claims also are to be proved in court. And that this rule may be carried into effect before execution follows at the suit of an individual against any weaver in that list, the Company's Commercial Resident shall be desired to state whether such weaver was in the employ of the Company when the agreement on which he may be cast was made, as also whether the Company have any and what demand upon him, and to make proof of the same; which being satisfied or secured, the sum decreed against him in favour of the individual shall next be made good from his property, but his person shall not be liable to attachment.

Punishment for Gomastahs, &c. changing cloths, and committing the offences herein specified.

XIII. Gomastahs, Deedars, Mookeems, and all native servants and persons of whatsoever description, employed under the Company's factories or aurungs in the provision of their investment, guilty of changing the Company's cloths, accepting of money from individuals for abetting or conniving at the alienation of them by the weavers, writing false balances in the Company's accounts, embezzling otherwise the property entrusted to them, or exacting money in any shape from weavers to whom advances are made, shall, on conviction in the court of Dewanny Adawlut to which they may be amenable, forfeit double the amount of the value of the property or the money which they may have embezzled, alienated, or exacted, and shall be further liable to imprisonment for any term that the court may judge proper not exceeding twelve months; and upon the circumstances being represented by the Board of Trade to the Governor General in Council, he will, if it shall appear to him proper, declare the offender incapable of serving Government in any capacity.

Rules regarding weavers applicable to others providing goods for the investment.

XIV. All the rules in this Regulation regarding weavers employed for the Company, are to be considered to extend in their principles and meaning to the manufacturers and other persons employed in the provision of raw-silk, and of the other articles of the Company's investment provided within the provinces of Bengal, Behar, or Orissa.

Rules for Residents trading on their own account.

XV. *First.* The following rules are prescribed for the conduct of Commercial Residents carrying on trade for themselves.

Resident to supply the Company's goods in the first instance.

Second. The Resident shall supply or ensure the Company's demand for goods, as far as the ability of his aurung will go, before he provides any for himself.

To distinguish the Company's provision from his own.

Third. He shall carefully and avowedly distinguish to the manufacturers between the Company's provision and his own.

Company's prices not to be made the standard of his own trade.

Fourth. He shall give them the price for which they may choose to deal with him, without making the Company's prices a standard for his own trade.

Not to use his official influence to make the manufacturers work for him in preference to others.

Fifth. He shall not make use of any influence he may possess, as the Company's representative, to induce the manufacturers to work for him in preference to other dealers.

Subject to the same rules as private traders.

Sixth. He shall be subject to the same Regulations, in case of disputes with manufacturers, as other private traders.

To deal on his own stock.

Seventh. He shall not take any commission for agents or others, but deal merely on his own stock as a merchant.

Not to trade in the name of another.

Eighth. He shall not carry on any trade in his aurung, directly or indirectly, in the name of any other person.

His goods not to be sold at his own aurung, nor sent to a foreign settlement.

Ninth. Whatever goods he may provide of the produce of the aurung where he is stationed shall not be sold there, nor sent to any foreign settlement, but shall be consigned to some other place; and if brought to Calcutta, or sent by Manjee to the upper provinces, shall be registered in his name in the custom-house books.

To deliver an annual statement of his private trade to the Board of Trade.

Tenth. He shall state to the Board of Trade, by the 15th of December in every year, the gross amount of the money invested or to be invested by him on his own account, as nearly as he can judge of the same, from the 1st May preceding to the 30th April following, and the Board of Trade shall thereupon communicate to the Governor General in Council any remarks that may appear to them proper.

Residents and their officers liable to be sued in the Dewanny Adawlut for breach of Regulations under the restrictions herein specified.

XVI. The Commercial Residents and their native officers of every description, are declared liable to be sued in the Dewanny Adawlut by weavers or others, with whom they may use compulsion to make them enter into the Company's employ, or whose names they may improperly insert in the list specified in Section IV., or whom they may not pay for their cloths or goods according to the engagements entered into between them and the Company, or who may not obtain in due time a fair settlement of accounts, or who may suffer unjust exactions from Peons put over them, or for any breach of this Regulation, or any other Regulation regarding the provision of the investment, printed and published in the manner directed in Regulation XLI. 1793. In all such cases, whether the act complained of shall have been done by the Resident or any of his officers, the party aggrieved is, in the first instance, to state his complaint to the Resident, and in the event of his refusing to afford the required redress, or omitting to grant it within a reasonable time, the complainant may then sue the Resident, whether the injury complained of shall have been done by himself or his officer. But the courts are not to receive any suit that may be preferred against a Resident or any of his officers, unless the complainant shall prove to the satisfaction of the court, by oath, or by any other mode which the court may deem satisfactory, that he applied to the Resident for redress, and that he refused to afford the redress required, or omitted to grant it within a reasonable time. Either party dissatisfied with the award or decision of a Resident, on any complaint made to him under this section, may appeal from it to the Dewanny Adawlut.

Resident and his officers to defend suits instituted against them for a breach of the Regulations at their own risk.

XVII. In suits instituted against a Resident or any of his officers under the preceding section, and where the act complained of shall not have been done pursuant to special orders from the Board of Trade or the Governor General in Council, the party complained against is to appoint one of the authorized Vakeels of the court to defend the suit at his own risk.

Residents may take upon themselves the defence of suits instituted against their officers.

XVIII. The Residents may take upon themselves the defence of any suits which may be instituted against their officers; but, in such cases, the Residents are to be answerable for the decree of the court, in the same manner as if the suit had been originally instituted against them.

XIX. When

Process issued against Residents, how to be served.

XIX. When any process shall be issued by a court of civil judicature to a Commercial Resident, the Judge or the Register of the court is to transmit it under a sealed cover addressed to the Resident in the form of a letter, and superscribed with his name and official appellation. The Resident is immediately to acknowledge the receipt of the process by an endorsement to that effect on the instrument, and to return it under a sealed cover addressed to the Judge or the Register of the court from which it may have issued.

By whom decrees, costs, and damages given against Residents and their officers are to be made good.

XX. Where the Board of Trade shall approve of decisions given against the Commercial Residents or their officers, in suits in which they may have been engaged in their official capacity, and which may not have been prosecuted or defended by them, pursuant to orders from the Board or the Governor General in Council, they are empowered to make the Resident or his officer by whom the act complained of may have been done, responsible for the whole or any part of the costs and damages awarded by the decree, or of the decree itself, if upon a consideration of the merits of the case, and of the conduct of the person against whom the decree may be given or the act complained of may have been done, they shall be of opinion that the Company ought not to be charged with all or any part of such costs or damages or decree. But, in such cases, the person whom they may so determine to hold responsible may appeal the cause at his own risk and cost.

Board of Trade may authorize an appeal from any decision passed against the Resident or his officers.

XXI. If the Board of Trade shall be dissatisfied with a decree passed against a Commercial Resident or any of his officers, in suits in which they may have been engaged, either with or without their orders or the orders of the Governor General in Council, they may authorize an appeal from it under the Regulations; in which case the appeal shall be carried on in the provincial court of appeal and in the Sudder Dewanny Adawlut (should the cause be carried to the last-mentioned court) by the Vakeel of Government, or by any other authorized Vakeel of the court into which the cause may be brought, notwithstanding any thing that may be said to the contrary in any Regulation passed on this date.

Security not to be demanded from Residents or their head officers for their appearance, or costs or damages or decree.

XXII. Security is not to be demanded from the Commercial Residents, or the head officers of aurungs or kotees who may be empowered to execute securities, for their personal appearance in any suit in which they may be engaged in their official capacity; nor shall security be required from them for the payment of costs or damages, or for the performance of the decrees or orders of the courts, as Government will be responsible for causing the Residents to answer to such suits instituted against them and to make good the decrees, and will hold them responsible for their head officers of aurungs or kotees answering to such suits preferred against them, and performing the decrees that may be passed therein.

Residents and their head officers not liable to prosecution for the acts of their predecessors.

What suits they are bound to defend after removal from office.

XXIII. The Residents and their head officers of kotees or aurungs shall not be liable to a prosecution for official acts of their predecessors. But persons who may be removed from a residency, or from the place of head officer of an aurung or kotee, are to carry on, in the same manner as if they had continued in the office, all suits instituted against them in their official capacity, unless the Board of Trade, upon a consideration of the circumstances of the cases, shall deem it advisable to order their successors to carry on the suits. This rule, however, is not to extend to suits in which a Resident or head officer who may have been removed, shall have been engaged in virtue of orders from the Board of Trade or the Governor General in Council. All such suits are to be carried on by the Resident for the time being, and at the risk and expense of Government.

Residents and their head officers allowed to forward instructions to their Vakeels by the dawk free of postage.

Instructions to be sealed and enclosed under a sealed cover addressed to the Register of the court, who is to deliver them sealed.

The Vakeels may, in like manner, forward instructions to their constituents through the Register.

XXIV. To facilitate the communication betweeen the Residents and their head officers of aurungs or kotees, and their Vakeels in the zillah or city courts, or the provincial courts of appeal, and the Sudder Dewanny Adawlut, who may be intrusted with the conduct of any suits or appeals in which they may be engaged in their official capacity, either whilst they may continue in the office or after their removal from it, they are permitted to forward, free of postage, any instructions which they may have to transmit to their Vakeels in those courts. The instructions are to be enclosed under a sealed cover directed to the Vakeel. The instructions, so sealed and directed, are to be transmitted under a sealed cover, addressed to the Register of the court in which the cause may be depending, and superscribed with the name and official appellation of the person despatching it, or that which he bore when the cause of action arose. The Register of the court, immediately on receiving the instructions, is to deliver them sealed to the Vakeel to whom they may be directed. In like manner, the Vakeels in any of the courts to whom the pleading of such suits or appeals may be committed by Commercial Residents or their head officers above-mentioned, are authorized, either whilst their constituents remain in such office or after they shall have been removed from it, to forward any papers which they may have to convey to their constituents by the public dawk free of postage. The papers are to be enclosed in a cover sealed with the seal of the Vakeel, and the Judge or the Register to the court is to transmit the papers, so sealed, in a cover sealed and addressed to the person to whom they are to be forwarded, and superscribed with his official signature.

Cases in which the Board of Trade are to take upon themselves the prosecution or defence of suits or appeals.

XXV. In cases in which the Board of Trade may judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they are to take upon themselves the superintendence of the prosecution or defence of any suit or appeal in which they or their officers may be engaged, either in a zillah or city court, or in a provincial court of appeal or in the Sudder Dewanny Adawlut, instead of leaving the superintendence of the conduct of the suit or appeal to the Resident or any of his officers.

Residents and their head officers not to derive any advantage from suits.

Nor to sustain any loss if their conduct be approved.

XXVI. Neither the Commercial Residents nor their head officers of aurungs or kotees are to derive any advantage whatever from suits in the courts of justice in which they may be engaged, or in any wise concerned, in their official capacity. On the other hand, it is not intended that the Residents or their above-mentioned officers should sustain any loss in consequence of such suits, where their conduct may be adjudged to be conformable to the Regulations, or may be approved by the Board of Trade or the Governor General in Council. The Commercial Residents and their head officers of aurungs or kotees are accordingly to bring to the credit of the Company in their accounts, all sums whatever that may be adjudged to them by any of the courts of justice;

justice; and they are to note at the foot of their accounts, or in a separate account, or under a distinct head in their accounts, according as the Board of Trade may direct, all sums which they may disburse or be adjudged to pay, on account of suits in which they may be engaged or be concerned in their official capacity; but no such disbursements or payments are to be considered as passed to the debit of the Company, until the previous sanction of the Board of Trade or the Governor General in Council shall have been obtained for that purpose, and until such sanction is procured, the Residents, or the officers making the disbursements or payments, are to be held answerable for the amount.

Sums disbursed by Residents and their head officers, not to be carried to the debit of the Company without orders from the superior authorities.

Rules regarding Commercial Residents applicable to their Assistants or other servants intrusted with the business.

XXVII. The rules in this Regulation respecting Commercial Residents, are to be considered equally applicable to their Assistants having the charge of the business, or to any other person being a covenanted servant of the Company, and intrusted with the superintendence of the provision of goods for the Company's investment at any aurung, whatever may be his official appellation.

Natives aggrieved under this Regulation by special orders of the Governor General in Council or the Board of Trade, how to obtain redress.

XXVIII. If a weaver or manufacturer, or any native employed in the provision of the Company's investment, shall deem himself aggrieved by any act done in opposition to this Regulation by a Commercial Resident, or any covenanted servant of the Company having the charge of the business of an aurung, pursuant to special orders from the Board of Trade or the Governor General in Council, he will be at liberty to seek redress in the mode prescribed for such cases in Section XI., Regulation III. 1793.

A.D. 1793. REGULATION XXXII.

A.C.

A REGULATION *for enacting into a Regulation, the Terms of the Contracts concluded for the Provision of Opium on account of Government, in the Provinces of Bengal, Behar, and Orissa, from the 1st September* 1793 *to the* 31*st August* 1797, *and for preventing illicit Trade in that Article:* PASSED *by the Governor-General in Council on the 1st May* 1793 *(corresponding with the* 21*st Bysaak,* 1200 *Bengal era; the* 6*th Bysaak,* 1200 *Fussily; the* 21*st Bysaak,* 1200 *Willaity; the* 6*th Bysaak,* 1850 *Sumbut; and the* 19*th Ramzaan,* 1207 *Higeree).*

I. IN adjusting the terms of the contracts for the provision of opium in the three provinces, it was the object of Government to prevent this source of public revenue operating as an oppression on the Ryots, by depriving the contractors of the power of compelling any person to cultivate the poppy, and by insuring to those who might voluntarily enter into engagements for that purpose, the full price of the quantity of opium which they might deliver. It was at the same time necessary, that provisions should be made to guard against the contractors being defrauded by the cultivators, and also for preventing illicit traffic in opium. The terms of the contracts, as published on the 26th April 1793, and the provisions above alluded to, are hereby enacted into a Regulation.

Conditions of the contracts.

II. *First.* The contract for the provision of the opium in Bengal and in Behar is to be held under the following conditions.

Governor-General in Council at liberty to annul the contract if it should be disapproved of by the Court of Directors.

Second. Article 1st. In the event of the Court of Directors disapproving of the terms of the contract, or making any alteration in the mode of providing the opium, or relinquishing the provision of the same altogether, the Governor-General in Council is to be at liberty to annul the engagements which may be entered into in consequence of this advertisement, from the end of the year or season (that is the 31st August) in which the orders notifying such disapproval, alteration, or relinquishment, shall be received in Bengal.

Four years the term of the contract.

Third. 2d. The contract is to be for four years, commencing from the 1st of September next (1793).

Contract to be for sicca rupees.

Periods at which the advances to the contractors are to be made and in what proportions.

Fourth. 3d. The contract is to be made for sicca rupees. The advances to the contractor are to be made in that specie, and no other specie is to be advanced by him to the ryots. The advances to the contractor are to be made in the following proportions, and at the under-mentioned periods:

In Assar	2	sixteenths.
Sawun	3	ditto.
Bhadoon	3	ditto.
Assin	3	ditto.
Cautic	3	ditto.
Aughun	2	ditto.
	16	

Quantity of opium to be annually delivered by the contractor.

Opium to be delivered in chests weighing two maunds each.

Contractor to receive fifty rupees extra for each chest he may deliver above the stipulated quantity.

Fifth. 4th. The contractor is to engage to deliver annually six thousand four hundred factory maunds of Behar, and one thousand five hundred and eighty factory maunds of Bengal opium, each factory maund containing forty seers, and each seer weighing seventy-two sicca rupees and ten annas. The opium is to be delivered in chests containing two factory maunds each. The contractor is to receive for every chest of opium of the above-mentioned weight, which shall be delivered by him over and above the stipulated quantity, the sum of fifty sicca rupees per chest, in addition to the contract price.

Quality of the opium, and the standard for determining it.

By whom the deliveries are to be compared with the musters, and disputes regarding the quality of the opium decided.

Sixth. 5th. The Bengal opium to be delivered in the first year of the engagement, is to be equal in quality to approved Bengal opium delivered in the last year of the existing contract. That of the second year, is to be equal to approved Bengal opium of the first; and a corresponding rule is to be observed with respect to the deliveries in the two years succeeding. Similar conditions are also made with respect to the opium to be provided in Behar. Three chests of approved Bengal, and the same number of approved Behar opium, of the years from the supplies of which the musters are to be taken, will be deposited at the office of the Board of Trade, as a standard for ascertaining the quality of the opium delivered. The deliveries shall be compared with the musters by one of the members of the Hospital Board and a person appointed by the Board of Trade; and any disputes that may arise between the officers of Government and the contractor regarding the quality of the opium, will be determined by three creditable persons to be appointed by Government, who shall be bound by oath to decide impartially.

Penalty to be paid by the contractor for short deliveries.

Advances for the quantity deficient to be refunded with interest.

Seventh. 6th. The contractor shall pay to the Company a penalty of three hundred sicca rupees per chest, for every chest of opium short of the stipulated quantity of which he shall fail in the delivery; and refund the amount of the advances

Contractor to pay no penalty on deficiencies proved to have been occasioned by damages done to the crops by calamities of season, but only to refund the advances with interest.

advances made to him for the provision of the quantity so deficient. But should either the whole or any part of such deficiency be occasioned by hail storms, hurricanes, or any other calamity of season affecting the crops, the contractor is not to be subject to the payment of the penalty for such part of the quantity deficient, as he may prove to the satisfaction of the Collector of the district and the Governor General in Council, to have been occasioned by such calamity; and, in that case, he shall only refund the amount of the advances, with an interest of eight per cent. per annum for the time he may have had the use of it. The contractor, within five days after such calamity shall have occurred, must represent the same to the Collector of the district, in order that he may take the necessary measures for ascertaining the loss occasioned thereby, as directed in the seventeenth article. Should the contractor omit to inform the Collector of the calamity within such period, no remission of the penalty will be allowed him for deficiencies occasioned thereby in his deliveries.

Opium to be delivered in Calcutta to the Board of Trade.

All risk and charges previous to delivery to be on account of the contractor.

Eighth. 7th. The opium is to be delivered by the contractor at the office of the Board of Trade in Calcutta. The charges of package and manufacture, and the charges and risk of transportation and delivery, are to be on account of the contractor.

Penalty to be paid by the contractor on opium which he may provide and not deliver to the Company.

Ninth. 8th. The contractor is to deliver to the Company or their agents all the opium that he may be able to provide, and to pay a penalty of sicca rupees seven hundred and fifty for every chest of opium that he may sell, barter, or otherwise dispose of, to any other person or persons whomsoever.

Duty of two and a half per cent. to be paid in Benares, and in the Company's provinces, on opium imported from the territories of the Vizier.

Contractors not liable to the payment of any duty on the opium provided in Bengal or Behar.

Contractor for Bengal opium not to provide opium the produce of Behar or Benares.

Tenth. 9th. The contractor is to pay to the Rajah of Benares a duty of two and a-half per cent. on all opium imported by him from the dominions of the Nabob Vizier, on the valuation specified in His Excellency's rowannah, and two and a-half per cent. on its entering the Company's provinces, on the valuation inserted in the Benares rowannah, which will be the same as that specified in the rowannah granted by the officers of the Nabob Vizier. The contractor is not to be liable to the payment of any duties on the opium provided by him in Bengal or Behar. The contractor for the Bengal opium is not to import or provide any opium the produce of Behar or Benares, under pain of the same being confiscated; and the contractor for the Behar opium is not to import or provide any opium the produce of Bengal or Benares, under the penalty above-mentioned. Should, however, the same person contract for the provision of the opium of two or more of the above countries, these restrictions are not to operate with regard to the opium produced within the countries included in his contract.

Stipulation with regard to godowns belonging to Government.

Eleventh. 10th. Government will deliver over to the contractor, for the purpose of manufacturing the opium, such houses and godowns belonging to the Company in Bengal and in Behar, as may be now in the possession of the present contractors, upon condition of his redelivering them to Government at the expiration of his contract, in the same state of repair in which they may be made over to him. The contractor is to defray the charges of whatever repairs may be required for the godowns or houses, from the period of their being made over to him to the time of their being redelivered by him to the officers of the Company.

Contractors and their officers and agents, amenable to the courts of civil judicature in all matters relating to their contract.

Twelfth. 11th. The contractor is to be amenable to the courts of Dewanny Adawlut in all matters relating to his contract, with the right of appeal from the decisions of the zillah and city courts to the provincial courts of appeal, and from the decrees of the provincial courts to the Sudder Dewanny Adawlut, in causes which may be appealable to that court, subject to the several rules and restrictions that are or may be prescribed by the judicial regulations. The Judges of the Dewanny Adawlut of the several zillahs are to take cognizance of all causes respecting opium, instituted by the contractor, or his agents, against the Ryots or others concerned in the provision or manufacture of that article, or by the latter against the former, and proceed to try and decide upon the same, in preference to any other suits that may be pending in their courts; and they shall award damages against the party cast, according to the circumstances of the case and the usages observed in all other suits.

Contractor made responsible for the acts of all persons employed by him, and to bind himself to make good all decrees passed against them.

Thirteenth. 12th. The contractor is to be responsible for the acts of his agents, Gomastahs, and all persons employed by him, and to bind himself to satisfy all decrees that may be passed by the courts of Dewanny Adawlut against him, his agents, Gomastahs, or the persons employed by him, from whom he is to take such security as he may think proper before he entertains them.

In Behar, two annas per seer increased price to be paid to the Ryots generally, in lieu of the khoshkhereed price.

Fourteenth. 13th. In lieu of the khoshkhereed, or advanced price of eight annas per seer, paid by the contractor previous to the existing contract for every seer of opium produced in the several pergunnahs in Behar, over and above the tydaad, or standard produce of 1185, and which khoshkhereed price was abolished upon the conclusion of the present contract, the contractor is to pay to the Ryots an increase of two annas per seer on the gross produce of the soubah, as specified in the account in the fifteenth article. The Ryots of Boglipore, Calgong, and Monyheary, in Bengal, are to receive, in lieu of the khoshkhereed formerly paid to them, the advanced price on the gross produce, as specified in the account above-mentioned.

Advanced price to be paid in lieu of the khoshkhereed in Boglipore, Calgong, and Monyheary.

Contractor in Behar not to levy the cesses herein specified, nor any other cesses.

Fifteenth. 14th. The contractor is not to levy the cesses in Behar, known by the names of beeshy, beeshy mamooly, russoom, bishenpereet, nor any other cesses or abwaubs whatever, although the same should not be specified in the account inserted in the following article (chellaun, or allowance for the drying up and wastage of the crude material, in transporting it from the pergunnahs to the place of manufacture, excepted, as authorized in the following article), under pain of being obliged to refund the amount, and to pay a penalty of three times the sum to the party from whom it may have been exacted, together with such costs of suit as such party may have incurred in the prosecution of his complaint in the Dewanny Adawlut.

Penalty.

Price to be paid by the contractors for the opium.

Ryots to have the option of cultivating the poppy or not, as they may think proper.

Sixteenth. 15th. The contractor is to pay the following prices to the Ryots for their opium, and to advance the same to them at the customary periods. It is, however, to be clearly and particularly understood, that the Ryots are to have it entirely at their option to cultivate the poppy or not, as they may think proper.

IN BEHAR.

DISTRICTS AND PERGUNNAHS.	Account particulars of the number of Sa. Rs. comprised in each seer of opium, including asul or the original weight, and abwaub or cesses, and the price paid for the same by former contractors.								Abwaub, or cesses, per seer, now abolished.					Account particulars of the number of Sa. Rs. to be comprised in each seer as fixed for the contract proposed to be entered into, with the price to be paid for each seer to the cultivators of the poppy.					
		Abwaub, or cesses, levied by former contractors.												Number of Sa. Rs. comprised in each seer, as fixed for the contract now to be entered into.			Price per seer to be paid by the contractor to the Ryots.		
	No. of Sa. Rs. comprised in the asul or original established seer, in each district or pergunnah.	Rusnom, Sa. Rs. per seer.	Beeshy, Sa. Rs. per seer.	Beeshy mamooly, Sa. Rs. per seer.	Chellaun, Sa. Rs. per seer.	Total abwaub or cesses, Sa. Rs. per seer.	Total seer asul and abwaub, Sa. Rs.	Price paid by former contractors per seer, including asul and abwaub.	Rusnom, Sa. Rs. per seer.	Beeshy, Sa. Rs. per seer.	Beeshy mamooly, Sa. Rs. per seer.	Chellaun, Sa. Rs. per seer.	Total abwaub abolished, per seer, Sa. Rs.	Remains original established seer, Sa. Rs.	Loss of chellaun now added per seer, Sa. Rs.	Total seer, including chellaun, Sa. Rs.	Paid by former contractors.	Add two annas per seer, in lieu of khoosh-bawund.	Total price per seer to be paid in future by the contractor to the Ryots.
Sircar Sarun	80 0	5 0 0	8 0	—	4 0	17 0 0	97 0 0	St. Rs. 1 12 0	5 0 0	8 0	—	4 0	17 0 0	80 0	2	82 0	St. Rs. 1 12 0	2	St. Rs. 1 14 0
Cusmar	80 0	2 8 0	4 10	—	4 2	11 2 0	91 2 0	Sa. Rs. 1 12 0	2 8 0	4 10	—	4 2	11 2 0	80 0	2	82 0	Sa. Rs. 1 12 0	2	Sa. Rs. 1 14 0
Ausemabad, opium weighed at the Contractor's godown at Patna	80 0	—	12 0	—	—	12 0 0	92 0 0	Ditto 2 0 0	—	12 0	—	—	12 0 0	80 0	—	80 0	Ditto 2 0 0	2	Ditto 2 2 0
Khas Hadgeepore	90 0	1 6 6	9 0	—	4 8	14 14 6	104 14 6	Ditto 2 0 0	1 6 6	9 0	—	4 8	14 14 6	90 0	2	92 0	Ditto 2 0 0	2	Ditto 2 2 0
Sumburra and Ekrungurjole	92 0	1 7 0	11 9	—	4 10	17 10 0	109 10 0	Ditto 1 13 0	1 7 0	11 9	—	4 10	17 10 0	92 0	2	94 0	Ditto 1 13 0	2	Ditto 1 15 0
Budsellah and Murrowrah	92 0	1 7 0	15 10	—	4 10	21 11 0	113 11 0	Ditto 1 13 0	1 7 0	15 10	—	4 10	21 11 0	92 0	2	94 0	Ditto 1 13 0	2	Ditto 1 15 0
Rutty Guddassin	92 0	1 7 0	13 14	—	4 10	19 15 0	111 15 0	St. Rs. 1 13 0	1 7 0	13 14	—	4 10	19 15 0	92 0	2	94 0	St. Rs. 1 13 0	2	St. Rs. 1 15 0
Sarissa	92 0	1 7 0	13 14	—	4 10	19 15 0	111 15 0	Ditto 1 12 0	1 7 0	13 14	—	4 10	19 15 0	92 0	2	94 0	Ditto 1 12 0	2	Ditto 1 14 0
Cusma	88 0	1 6 0	11 0	—	4 6	16 12 0	104 12 0	Ditto 1 12 0	1 7 0	11 0	—	4 6	16 12 0	88 0	2	90 0	Ditto 1 12 0	2	Ditto 1 14 0
Tirhoot under Hadgepore	88 0	1 6 0	8 12	—	4 6	14 8 0	102 8 0	Ditto 1 12 0	1 6 0	8 12	—	4 6	14 8 0	88 0	2	90 0	Ditto 1 12 0	2	Ditto 1 14 0
Nursingpore Korah, the opium delivered at Patna	72 10	—	—	—	—	—	72 10 0	Ditto 1 8 0	—	—	—	—	—	72 10	—	72 10	Ditto 1 8 0	2	Ditto 1 10 0

Foolwarry	80 0	—	—	3 8	4 0	7 8 0	87 8 0	Sa. Rs. 2 1 0	—	—	3 8	4 0	—	80 0	2	82 0	Sa. Rs. 2 1 0	2	Sa. Rs. 2 3 0
Gyaspore	84 0	—	10 12	—	4 4	15 0 0	99 0 0	Ditto 1 12 0	—	10 12	—	4 4	15 0 0	84 0	2	86 0	Ditto 1 12 0	2	Ditto 1 14 0
Nyapore and Burragong	84 0	—	10 12	—	4 4	15 0 0	99 0 0	Ditto 1 12 0	—	10 12	—	4 0	15 0 0	84 0	2	86 0	Ditto 1 12 0	2	Ditto 1 14 0
Beempore	80 0	—	10 0	—	4 0	14 0 0	94 0 0	Ditto 1 10 0	—	10 0	—	4 0	14 0 0	80 0	2	82 0	Ditto 1 10 0	2	Ditto 1 12 0
Munneer	80 0	—	9 0	—	4 0	13 0 0	93 0 0	Ditto 1 12 0	—	9 0	—	4 0	13 0 0	80 0	2	82 0	Ditto 1 12 0	2	Ditto 1 14 0
Daoudnagur	60 0	—	12 0	—	3 0	15 0 0	75 0 0	Ditto 1 4 0	—	12 0	—	3 0	15 0 0	60 0	2	62 0	Ditto 1 4 0	2	Ditto 1 6 0
Sandah Baliah	80 0	2 8 0	9 8	—	4 0	16 0 0	96 0 0	Ditto 1 12 6	2 8 0	9 8	—	4 0	16 0 0	80 0	2	82 0	Ditto 1 12 6	2	Ditto 1 14 6
Behar Khaas	96 0	—	13 8	—	4 8	18 0 0	108 0 0	Ditto 1 14 0	—	13 8	—	4 8	18 0 0	90 0	2	92 0	Ditto 1 14 0	2	Ditto 2 0 0
Tillarah	80 0	2 4 0	14 12	—	4 0	21 0 0	101 0 0	Ditto 1 12 6	2 4 0	14 12	—	4 0	21 0 0	80 0	2	82 6	Ditto 1 12 6	2	Ditto 1 14 6
Joaffar	60 0	—	13 0	—	3 0	16 0 0	76 0 0	Ditto 1 4 0	—	13 0	—	3 0	16 0 0	60 0	2	62 0	Ditto 1 4 0	2	Ditto 1 6 0
Shakeporah	65 0	—	16 12	—	3 4	20 0 0	85 0 0	Ditto 1 5 0	—	16 12	—	3 4	20 0 0	65 0	2	67 0	Ditto 1 5 0	2	Ditto 1 7 0
WarrisGunge, KadahGunge, Lutchwar, and Noorserae	65 0	—	12 12	—	3 4	16 0 0	81 0 0	Ditto 1 5 0	—	12 12	—	3 4	16 0 0	65 0	2	67 0	Ditto 1 5 0	2	Ditto 1 7 0
Mudderdee	72 0	—	8 8	—	3 8	12 0 0	84 0 0	Ditto 1 5 0	—	8 8	—	3 8	12 0 0	72 0	2	74 0	Ditto 1 5 0	2	Ditto 1 7 0
Hilsah	68 0	6 6 0	12 4	—	3 6	22 0 0	90 0 0	Ditto 1 6 0	6 6 0	12 4	—	3 6	22 0 0	68 0	2	70 0	Ditto 1 6 0	2	Ditto 1 8 0
Chynpore Khaas	96 0	0 12 0	13 8	—	4 12	19 0 0	115 0 0	Ben. Sa. Rs. 17 sun. 2 8 0	0 12 0	13 8	—	4 12	19 0 0	96 0	2	98 0	Ben. Sa. Rs. 17 sun. 2 8 0	2	Ben. Sa. Rs. 17 sun. 2 10 0
Sasseram and Tillotoo	60 0	0 12 0	9 4	—	3 0	13 0 0	73 0 0	St. Rs. 10 sun. 5 0	0 12 0	9 4	—	3 0	13 0 0	60 0	2	62 0	St. Rs. 10 sun. 1 5 0	2	St. Rs. 10 sun. 1 7 0
Arrah, in Shahabad	60 0	0 12 0	6 4	—	3 0	10 0 0	70 0 0	Pat. St. Rs. 1 4 0	0 12 0	6 4	—	3 0	10 0 0	60 0	2	62 0	Pat. St. Rs. 1 4 0	2	Pat. St. Rs. 1 6 0
Powar, Peroo, Nunnore, Behere, Bojepore, and Dinwar	60 0	0 12 0	7 4	—	3 0	11 0 0	71 0 0	Ditto 1 4 0	0 12 0	7 4	—	3 0	11 0 0	60 0	2	62 0	Ditto 1 4 0	2	Ditto 1 6 0
Sonnout, Ekyel, Okyree, Bellour, Kaber, Dader, Mahere, Parah Shairgatty, Seris, Columba, and Cherkawun	64 0	2 0 0	13 13	—	3 3	19 0 0	83 0 0	Sa. Rs. 1 6 0	2 0 0	13 13	—	3 3	19 0 0	64 0	2	66 0	Sa. Rs. 1 6 0	2	Sa. Rs. 1 8 0
Arwul Mussowrah	64 0	2 0 0	10 3	—	3 3	16 0 0	80 0 0	Ditto 1 6 0	2 0 0	10 13	—	3 3	19 0 0	64 0	2	66 0	Ditto 1 6 0	2	Ditto 1 8 0

IN BENGAL.

—	Account particulars of the number of sicca rupees comprised in each seer of opium, including the assul or original weight, and the abwaub or cesses, and the price paid for the same by the former contractors.				Abwaub or cesses abolished mamool.	Account particulars of the number of sicca rupees to be comprised in each seer as fixed for the contract proposed to be entered into, with the price to be paid for each seer to the cultivators of the poppy.			
						Price per seer to be paid by the Contractor to the Ryots.			
	Number of sicca rupees comprised in the assul or original established seer in each district, pergunnah, &c.	Cun of mamool levied by former contractors per seer, Sicca Rupees.	Total seer assul and abwaub.	Price per seer assul and abwaub, paid by former contractors.	Mamool per seer, Sicca Rupees.	Remains original established seer, being the neat weight to be received by the contractor.	Paid by former contractors.	Add per seer in lieu of koshkhurood or advanced price on the surplus quantity, now abolished.	Total price per seer to be paid in future by the contractor to the ryots.
IN BEHAR.									
Monghir	88	17	105	Sa. Rs. 2 5 0	17	88	2 5	2 0	Sa. Rs. 2 7 0
IN BENGAL.									
Boglepore and Calgong	101	19	120	Ditto 2 8 0	19	101	2 8	4 0	Ditto 2 12 0
Motyheary	101	19	120	Ditto 3 0 0	19	101	3 0	0 6	Ditto 3 0 6
Contucuna, in Rajemaul	101	9½	110½	Ditto 3 0 0	9½	101	3 0	—	Ditto 3 0 0
Negoreah in Ditto	101	19	120	Ditto 3 0 0	19	101	3 0	—	Ditto 3 0 0

—	Rates, weights, &c. as taken by former Contractors.			Cunn abolished.	Weight to be taken by the future contractors, sicca Rupees.	Price to be paid by the future contractor.
	Rates of opium per seer.	Weight of the seer in sicca rupees.	Cun of mamool.			
PURNEAH.						
Gundwarrah, Simiriah, including pergunnahs Cudwah, Cuttiar, and Cossorypore; Bhowne, including pergunnahs Havily, Sultanpore, Sirrupore, Futtehpore, Singhia, and Gorarree	13 chattacks per rupee.	72 10	—	—	72 10	13 chattacks per rupee.
Barnagur and Bhowanneypore	15 chattacks per rupee.	72 10	1 an. per rupee on the advances Gomastah's russoom.	1 an. per rupee on the advances Gomastah's russoom.	72 10	14 chattacks per rupee.
Natpore, including Dhupper and Hurrawut	1 seer and 1 chattack per rupee.	68 0	1 an. per rupee on the balances Gomastah's russoom.	1 an. per rupee on the balances Gomastah's russoom.	68 0	1 seer and 1 chattack per rupee.

RUNGPORE, &c.	Factory names in the several pergunnahs.	Weight in Sa. Rs the established seer.	Chellaun.	Total Seer.	Price paid per seer in Rungpore currency.
Kankneah	Salmony	126	4	130	2 4
Ditto	Poorumbarry	126	4	130	2 4
Pangah	Chandamarry	124	4	128	2 5
Baharbund	Durgapore	123	3	126	2 8
Betrebund	Dunhutta	120	4	124	2 5
Cooch Behar	Gidalda	126	4	130	2 5

The advances from the contractor to the Ryots in Sircar Sarun, Rutty, Guddassin, Sarissa, Cusmar, Tirhoot, Nursingpore Korah, Chynpore Khaas, Sasseram, and Tillotoo, Arrah, Powar, Peroo, Nunnore, Behere, Bojepore, and Dinwar, are to be made, agreeably to the third article, in sicca rupees. The batta between these and the different species of rupees in which the advances have been heretofore paid, as specified in the preceding account, is to be the same as it is and has been under the existing contract.

Nature of the engagements which the contractor is to take from the cultivators of the poppy.

Seventeenth. 16th. The contractor, or his agent, at the season for sowing the poppy, is to be allowed to take engagements from the cultivator for the specific number of begahs to be cultivated only, and not also, as was once the practice, for the specific quantity of opium to be produced in those begahs. When the poppy shall be full grown, the contractor is then to depute his agent, who, with the cultivator, shall proceed into the field, and with the assistance of two or three other creditable cultivators, form the estimate of what such field is to produce, whereupon the grower is to enter into an engagement to deliver so much; and, should the field produce more, to deliver that also *pro ratâ*.

Stipulations regarding injury to the crops arising from calamities of season.

Eighteenth. 17th. In the event of the crops being injured by hail storms, hurricanes, or any other calamity of season, either previous or subsequent to the completion of the estimate of the produce directed to be formed in the preceding article, the Collector of the district, upon application being made to him by the contractor within five days after such calamity shall have happened, is to depute an Aumeen to ascertain, in conjunction with the agents of the contractor and the Ryots, the actual extent of the loss occasioned thereby. The charges of Aumeens so deputed are to be defrayed by the contractor.

Contractors not to confine or beat persons, or levy fines from them, or do the other acts herein prohibited under the specified penalties.

Nineteenth. 18th. The contractor and his agents are not to confine, beat, or distrain the property of any Ryot or person engaging for the provision of opium, nor to levy any tullubanah, fines, or salamy from any such person, under pain of being obliged to refund three times the amount to the party from whom such exaction shall have been made, and being further compelled to pay to the complainant the amount of the costs or damages incurred by him in the prosecution of his suit for the recovery thereof in the Dewanny Adawlut.

Weights and scales for weighing the opium to be sealed by the Magistrate of the district.

Twentieth. 19th. The weights and scales made use of in the kotees, or warehouses, in the different pergunnahs, for weighing the opium received from the Ryots, are to be sealed with the seal of the Magistrate of the district, and examined annually by him, or by such person as he shall think proper to appoint for that purpose, during the month of January. The contractor or his agents, making use of weights or scales not so sealed, or of uneven scales or deficient weights, although sealed, to be liable to such fine as the Judge may think proper to impose. In weighing the opium, the scales are not to be held up in the hands of the Dundeedar, or native weighman, but the opium is to be weighed in the presence of both parties, in the mode known under the denomination of dherm dundee (or fair and conscientious weighing), by the scales being poised on a wooden stand fixed in the earth.

Stipulations regarding Ryots who may not deliver the full quantity of opium agreed for.

Twenty-first. 20th. In the event of the cultivator failing to deliver the full quantity of opium agreed for by him in the manner specified in the sixteenth article, the under-mentioned consequences are to follow:

Cultivator to refund the advances, with interest of eight per cent.

First. If the failure be occasioned by no fault on his part, he is only to refund the proportional part of the advance received by him, with interest at

If the failure shall not have proceeded from any fault on his part.

the rate of eight per cent. per annum for the time he may have had the use of it, and without any other mulct, penalty, or fine whatever.

Penalty to which cultivators are liable for failures proceeding from neglect or embezzlement.

Second. If the contractor shall suspect or believe the cause of failure to be in the wilful neglect or embezzlement of the Ryot, he is to complain to the Judge of the Dewanny Adawlut of the zillah; and upon proof of its having been owing to neglect, the Judge is to award that the Ryot shall restore the proportional advance, with interest at the rate of twelve per cent. per annum; and if from embezzlement, or otherwise disposing of it, the Judge is to punish such offence by imposing a fine of four sicca rupees per seer, and confiscating the opium where it can be seized, and where it cannot be seized, by imposing a fine of ten sicca rupees per seer, to be levied by the process for enforcing decrees prescribed by the Regulations.

Cultivators to be liable to no penalty from failures, unless they have unliquidated advances in their hands.

Exception to the rule.

Third. The Ryot is not to be liable to any penalty for breach of contract, except in case of embezzlement; unless it shall appear, and be proved, that he had in his hands, at the period of the failure, unliquidated advances from the contractor. But where he wilfully embezzles the crude material, by selling or disposing of it to others, although without having at such time any of the advances of the contractor in his hands, the contractor is to complain against him to the Judge of the Adawlut of the zillah in which such person shall reside, and the Judge is to punish such offence in the mode pointed out in the second clause of this article.

Contractor and his agents how to proceed against cultivators who mix water with crude opium.

Twenty-second. 21st. Where the Ryot mixes water with the crude material with a view to increase the weight of it, and brings it in that state to be delivered, the contractor or his agent is to appoint two or more creditable opium-growers to decide on their dherm or conscience, what surplus quantity or keirdah shall be taken for such increase of weight by the undue admixture of water; and the parties shall abide by their award, unless it shall be proved, to the satisfaction of the Judge, that the arbitrators have been guilty of partiality.

Contractor how to proceed where cultivators deliver in adulterated opium.

Twenty-third. 22d. Where the crude material shall be delivered in by the growers in an adulterated state, as by the mixture of foreign ingredients (exclusive of the water noticed in the preceding article), the contractor may immediately seize on and declare the same confiscated; sealing it up, at the same time, in the presence of the Ryot, and under his mark, and in the presence of two or more creditable witnesses depositing it also in a secure and separate place, and leaving the Ryot to have recourse against him to the judicial power, for which purpose he is to keep the said opium, thus sealed up, for three weeks; and if, in that time, the Ryot shall not lodge his complaint, it shall not be afterwards heard; and the contractor may then open the said opium, and sell it for his own advantage for local consumption, liable to such fine as Government may think proper to impose, should it ever be proved that he made up any part of such adulterated and condemned opium in that which he is to deliver to the Company.

Proprietors and farmers of lands how to be proceeded against, in case they attempt to increase the rents of the poppy lands.

Twenty-fourth. 23d. Should the Zemindars, or other proprietors of land, or any farmer of land, or their agents, exact more from the Ryots on account of their opium lands than the established rates, the contractor or the Ryot from whom such exactions may be made, is to be at liberty to prosecute the person guilty of such exactions before the Judge, who shall forthwith inquire into the same and grant redress.

Pensions to be paid by the contractor in Behar.

Twenty-fifth. 24th. The contractor is to be subject to the payment of certain charitable allowances to Brahmins, and indulgences to the head cultivators, in the soubah of Behar, amounting annually to about seventeen thousand rupees. He is also to be subject to the annual payment of rupees four hundred and seventy-seven, on account of indulgences to the head cultivators, charitable allowances, &c. at Monghir in Behar. A statement of the particulars of these allowances is deposited in the office of the Secretary to the Government.

Disputes regarding matters not provided for in the preceding articles to be determined in the courts of justice.

Twenty-sixth. 25th. Should any disputes arise between the contractor or his agent and the Ryots or others, relative to the cultivation, provision, or transportation of opium, not provided for in the preceding articles, either party is to be at liberty to apply for redress to the court of Dewanny Adawlut of the zillah, the Judge of which will pass such decision as he may think equitable, upon a consideration of the circumstances of the case.

Government to take measures to prevent Europeans and others from smuggling opium.

Twenty-seventh. 26th. Government are to engage to take such measures as they may think most effectual to prevent Europeans and others from smuggling opium, or otherwise carrying on an illicit traffic therein.

Contractor for the opium in Benares not to provide any opium the produce of Bengal and Behar. Penalty.

III. The contractor for the opium in Benares is prohibited importing or providing any opium the produce of Behar or Bengal, under pain of the same being confiscated.

British subjects liable to be sent to Europe for illicit trade in opium.

IV. If any British subject shall be convicted, to the satisfaction of the Governor-General in Council, of having been concerned in any illicit trade in opium, in opposition to the Regulations of Government limiting the provision and manufacture of opium to the public contractors, he shall be liable to forfeit the Company's protection and to be sent to Europe.

Penalty to which persons are declared liable for being concerned in or conniving at illicit trade in opium.

V. All persons not European British subjects, who may be proved to have purchased smuggled opium, or in whose possession smuggled opium may be found, shall be liable to the same fines as are directed to be imposed on Ryots selling or embezzling opium; *viz.* four sicca rupees per seer, in addition to the confiscation of the opium when it can be seized, and when it cannot be seized, ten sicca rupees per seer, recoverable in the Dewanny Adawlut by the process laid down in the Regulations: one-half of such fines, as well as of the neat proceeds of the opium confiscated, is to be paid to the informer, and the other moiety to Government.

Rule applied to proprietors and farmers of land.

Zemindars, or other proprietors of land, or farmers of land holding farms immediately of Government (when not themselves the purchasers or possessors of the opium, in which case they will be subject to the fines above-mentioned), are declared liable to the like penalty of ten sicca rupees per seer, recoverable and payable as above prescribed, for all smuggled opium which may be proved to have been sold within the limits of their estates or farms, with their connivance or knowledge.

Process to be observed in confiscating opium.

VI. When any opium shall be seized, it shall be delivered to the Judge of the zillah or city, who is to issue a publication, notifying that if no claimants thereto shall appear within one month it will be confiscated. If any claimant shall, in consequence, appear within the limited period, the Judge is to investigate and decide on his right to the opium; and in the event of his deciding against the claimant, or of no person appearing to claim the opium, he is to report the circumstances to the Governor General in Council, who will furnish him with directions regarding the disposal of it.

A.D. 1793. REGULATION XXXIII.

A REGULATION *for re-enacting, with Modifications, the Rules passed on the 11th February and 21st October* 1791, *for repairing the Embankments kept in Repair at the public Expense, and for encouraging the digging of Tanks or Reservoirs and Watercourses, and making Embankments:* PASSED *by the Governor General in Council on the 1st May* 1793 (*corresponding with the* 21*st Bysaak,* 1200 *Bengal era; the 6th Bysaak,* 1200 *Fussily; the* 21*st Bysaak,* 1200 *Willaity; the 6th Bysaak,* 1850 *Sumbut; and the* 19*th Ramzaan,* 1207 *Higeree*).

I. IT being necessary that provision should be made for the annual repair of certain embankments in different parts of the country, which have been considered as public works and have been kept in repair at the expense of Government, in consequence of their great extent, and the damage to which the districts and places for the protection of which they have been constructed would be liable from inundation, in the event of their not receiving the necessary annual repairs; and there being the strongest grounds for believing, that if the embankments, reservoirs, and watercourses in the estates of individuals, which are not considered as public works, were enlarged or put into a proper state of repair, and new works of the same nature made where necessary and practicable, a sufficient portion of the crops might be preserved in seasons of drought or inundation for the subsistence of the body of the people, and consequently the recurrence of the miseries which this country has so often suffered from famine be prevented; and the Governor General in Council being therefore solicitous to encourage proprietors, farmers, and cultivators of land, to undertake these important improvements in their estates and lands, he passed certain Regulations applicable to the above considerations, on the 11th of February and 21st October 1791, which are hereby re-enacted with modifications.

Care and superintendence of embankments vested in the Collector.

II. The care and superintendence of embankments which are considered as public works, and are annually repaired at the expense of Government, and also of embankments in estates, the temporary charge and repair of which may devolve on Government, in consequence of the removal of the proprietors from the management of their lands, or other cause, is vested in the Collector of the zillah in which the works may be situated.

Collectors to report the state of such embankments, and the estimated expense of the repairs which they may require.

III. The Board of Revenue are to require the Collectors to report annually, in due season, the state of such embankments, and to transmit an estimate of the expense of the repairs which they may require. The Board of Revenue are to submit the report and estimate to the Governor General in Council, with their opinion whether the work to be performed is of such a nature as to require the assistance of an engineer officer, or other professional person.

Report and estimate to be submitted by the Board of Revenue to the Governor General in Council, with their opinion whether the work ought to be performed by a professional person.

Where a professional person shall not be appointed, the Collector is to commit the execution of the work to a careful officer.

IV. In cases in which it may be deemed unnecessary to employ a professional person to execute the work, the Board of Revenue, upon receiving the orders of the Governor General in Council for that purpose, are to direct the Collector of the zillah to commit the execution of the work to a careful officer, with instructions to forward to him a weekly return of the number of workmen employed, the rate of their wages, the materials, tools, or implements expended or purchased, and a report of the work performed during the course of the week.

Rules for the guidance of professional persons deputed to make the repairs.

V. If a professional person shall be employed to make the repairs, he is to survey the embankments, and transmit to the Board of Revenue, for the approbation of the Governor General in Council, a statement of the repairs, or any additional works that may be required, with an estimate of the expense of them. The Board of Revenue, however, are empowered, in cases in which it may appear to them expedient, to authorize such professional person, or the Collector (where a professional person shall not be employed), to commence such part of the work as it may be deemed indispensably necessary to complete without delay, previous to receiving the survey or estimate, or where these documents shall have been transmitted to them, without waiting for their being approved by the Governor General in Council.

Accounts to be rendered to the Collector by professional persons deputed under this Regulation.

Professional person to indent upon the Collector for materials and implements.

Collector to furnish them at the lowest price.

VI. Professional persons employed under this Regulation are to prepare and sign a daily or weekly return of the number of workmen employed on the embankments, which shall be delivered to an officer to be appointed by the Collector, who is to pay the workmen according to the return, transmitting it to the Collector as a voucher for the money disbursed. The professional person so employed is to transmit to the Collector an indent for such materials, tools, or implements as may be necessary for carrying on the work, with an estimate of the cost of them, and the Collector shall furnish them at the lowest price at which they may be procurable.

Collectors to deposit one copy of the disbursements in the cutcherry of the zillah, and to send another to the Board of Revenue.

VII. The Collectors to whom the care and superintendence of the repair of embankments is or may be committed (whether the work shall have been executed by a professional person or an officer appointed by them), are to prepare two copies of the accounts of their expenditures, in the Bengal and English languages in Bengal, and in the Persian and English languages in Behar, and to deposit one copy in the cutcherry of the zillah for general inspection and to transmit the other to the Board of Revenue.

Advances to be issued to individuals for repairing or making embankments, reservoirs, or watercourses.

VIII. Advances shall be made to proprietors or farmers of land, or dependent Talookdars, or under-farmers or Ryots, for the purpose of repairing or making embankments, or repairing, enlarging, or making tanks, reservoirs, or watercourses, under the conditions specified in the following sections.

Applications for such advances to whom to be made, and what to contain.

Persons not the proprietors of the lands applying for advances, to give the security herein required;

if proprietors, they are not to give security, but their estates to be responsible for the repayment of the advance, interest, and penalty.

IX. The applications for such advances are to be made in writing to the Collector of the zillah, and are to specify the nature and extent of the work for which they are required, the period by which it will be completed, and the amount of the advance solicited. If a person applying for advances shall not be the proprietor of the lands for the benefit of which the works are to be made, he is to give security for the repayment of the advance with interest, and also for the payment of the penalty to be exacted in the cases mentioned in Section X., and shall specify in his application the security he may have to offer. If the person making the application shall be the proprietor of the lands for the benefit of which the works are intended, he is not to be required to give security, but his lands are to be held responsible for the repayment of the advance with interest, and for the eventual discharge of the penalty.

Engagement to be executed by persons receiving advances and their sureties.

X. Persons receiving advances, and (if they be not the proprietors of the land) their sureties, are to bind themselves to repay the amount, at such period or periods as may be agreed upon between them and the Collector, with interest at the rate of twelve per cent. per annum, and also to pay a penalty of twenty-five per cent. on the amount advanced, in the event of the works not being completed by the stipulated period, or of the money not being applied to the purpose for which it may have been advanced.

Collector how to proceed with such applications.

Board of Revenue empowered to comply with them.

XI. The Collectors, upon receipt of such written applications, are to forward them without delay to the Board of Revenue, with any remarks which they may have to offer respecting them. The Board of Revenue, provided there shall appear to them no objection to the execution of the work proposed, and (in cases in which security is directed to be taken) they shall be satisfied of the sufficiency of the security offered for the repayment of the required advance with interest, and for the discharge of the penalty in the cases mentioned in the preceding section, are empowered to authorize the Collector to make the required advance, upon the person applying for it, and (if he be not proprietor of the land) his surety, executing the prescribed engagements.

Survey and report of the works to be made and sent to the Collectors, who are empowered to levy the penalty in the cases herein specified.

XII. Upon the arrival of the period by which such works may have been stipulated to be completed, the Collector is to direct the Tehseeldar, or other officer of Government upon the spot, or such person as he may deem it proper to appoint, to survey the works, and to report in what manner they have been executed; and in the event of their not having been completed according to the engagement and by the stipulated period, or of the money not having been applied to the purpose for which it may have been advanced, he is to levy the penalty above directed, sending immediate information to the Board of Revenue of the exaction of it.

Report to be made by the Collectors of the execution of the works.

XIII. The Collectors are to transmit to the Board of Revenue, at such periods and in such form as they may direct, reports on the execution of the works for which advances may be made under this Regulation.

Board of Revenue empowered to receive applications for advances and to order them to be complied with.

XIV. The Board of Revenue are empowered to receive applications for such advances in the first instance; and provided there shall appear to them no objection to the work proposed to be executed, and the person making the application shall give the required security and execute the prescribed deeds, to order the Collector of the zillah to comply with it.

Cases in which the Board of Revenue may extend the period fixed for completing works.

XV. If a work for which advances may be made under this Regulation shall not be completed by the stipulated period, and the person who may have received the advances can show good cause, to the satisfaction of the Collector, for not having finished it, he is to report the circumstances to the Board of Revenue, who are empowered to allow such further time for the completion of the work as they may judge proper.

A. D. 1793. REGULATION XXXIV.

A REGULATION *for re-enacting, with Modifications, the Rules passed on the* 16*th April.* 1790 *and subsequent Dates, for levying a Tax upon intoxicating Liquors and Drugs, and for preventing the illicit Manufacture and Vend of them*: PASSED *by the Governor General in Council on the* 1*st May* 1793 *(corresponding with the* 21*st Bysaak,* 1200 *Bengal era; the* 6*th Bysaak,* 1200 *Fussily; the* 21*st Bysaak,* 1200 *Willaity; the* 6*th Bysaak,* 1850 *Sumbut; and the* 19*th Ramzaan,* 1207 *Higeree).*

Preamble.

I. THE immoderate use of spirituous liquors and intoxicating drugs having become prevalent amongst many of the lower orders of the people, from the very inconsiderable price at which they were manufactured and sold, and the proceedings of the criminal courts having evinced that the robberies and other disorders committed in the country were, in a great measure, ascribable to the want of proper restrictions on the manufacture and vend of such liquors and drugs, the Governor General in Council, with a view to prevent the perpetration of crimes, and at the same time to augment the public revenue, passed certain rules on the 16th of April 1790 and subsequent dates. Those rules are now re-enacted with modifications.

No person to manufacture spirituous liquors without a license from the Collector.

II. All persons are prohibited from manufacturing spirituous liquors without a license from the Collector of the zillah, or the Collector entrusted with the collection of the tax on spirituous liquors in the city, in which they may be desirous of distilling the liquors.

No tax or duty to be levied on spirituous liquors but by Government.

III. No tax shall be levied on the manufacture or sale of spirituous liquors, excepting on the part of Government. Any persons having claims to deductions or compensations, on account of duties or taxes levied by them previous to the resumption of the abkarry collections by Government on the 16th April 1790, are to prefer their claim to the Collector, that he may investigate and report upon it to the Board of Revenue, who will decide upon it, and submit their decision for the confirmation of the Governor General in Council. The courts of judicature are not to take cognizance of any such claims; but where compensations shall have been granted, and the payment of them shall be withheld, they are empowered to take cognizance of suits to obtain payment, under the rules prescribed in similar cases, with regard to compensations on account of the sayer, in Section XII., Regulation XXVII. 1793.

Manufacture and sale of spirituous liquors to be confined to certain places to be fixed upon by the Collectors.

IV. The manufacture and sale of spirituous liquors are to be confined to certain towns and villages in each zillah, in the selection of which the Collectors are to be guided by the best information they may be able to obtain regarding the local consumption, fixing upon the places in which it is supposed to be most extensive.

A specified tax to be levied on every still.

V. A specified tax is to be levied on every still for the manufacture of spirituous liquors, and no further duties shall be exacted, either upon the manufacture or vend of such liquors.

Licensed places of manufacture and vend to be divided into three classes.

VI. *First.* The towns and villages to be selected as licensed places of manufacture and vend, agreeably to the directions contained in Section IV., shall be divided into three classes, according to their size and population. Stills for the manufacture of spirituous liquors erected in such towns and villages shall be taxed at the rates undermentioned:

		R.	A.
Tax on stills in places in the first class.	Stills in cities and towns of the first class to pay a daily tax of	1	4
In the second.	Stills in towns or villages in the second class to pay a daily tax of	0	12
In the third.	Stills in towns and villages of the third class to pay a daily tax of	0	6

Reduced rates may be fixed where local circumstances may render it advisable.

Second. In cases, in which, from local circumstances, the Collectors may deem it advisable to reduce the tax below the rates specified in the preceding clause, they are to state their reasons at large for the proposed reduction; and the reduced rate, when determined upon with the sanction of the Board of Revenue, is to be specified in the licenses granted to the distillers.

In applying the rates, Collectors are to be careful not to enable any of the manufacturers to undersell those in neighbouring jurisdictions.

Third. In applying the standard rates to the places selected for public manufacture and vend, the Collector is to be particularly careful not to adopt lower rates than those established at the nearest licensed places of manufacture and vend in any of the neighbouring zillahs, if the situations of any of the places in the two zillahs should be so contiguous as to enable the distillers at the places in his own zillah to derive a partial advantage, by underselling the distillers in the neighbouring zillah.

No private stills to be worked without a license.

No licenses to be granted for working private stills out of the established places of manufacture and vend.

VII. All private unlicensed stills are prohibited. Persons desirous of working a still for their private use, shall take out a license on the footing of public distillers, and enter into similar engagements; but no license shall be granted for working a private still in any place whatever, excepting the established places of public manufacture and vend.

Licenses not to be granted for working stills in the neighbourhood of the three cities.

VIII. As granting licenses for working stills in places in the neighbourhood of the cities of Patna, Dacca, and Moorshedabad, would not only, in a great measure, defeat the object of this Regulation as far as it regards the police of those cities, by affording a harbour for disorderly persons in the vicinity of them, but also injure the public revenue, by enabling the distillers in such places to undersell those residing in the cities, the Collectors are not to grant licenses for working stills within such a distance of either of the three cities, as may be likely either to affect the police or the produce of the tax on the stills worked therein. This rule is also to be applied, as far as may be necessary, to large towns, where circumstances may require it; and where any large town may be situated contiguous to either of the cities, the Collector is either to grant licenses therein as if it formed a part of the city, or to adopt such arrangements as may appear to him calculated to obviate the consequences above stated.

This rule to be applied, as far as may be consistent with the object of it, to large towns, either situated at a distance from or contiguous to the cities.

Collectors to publish the names of the places of manufacture and vend, and the rates of licenses for each.

IX. The Collectors are to publish the names of the places which may be occasionally selected for the manufacture and vend of liquors, and the rates at which licenses will be granted to distillers in each of them, and they shall cause the persons entrusted with the collection of the tax to fix up at each place a copy of the form of the licenses, with a specification of the penalties to which persons manufacturing or selling liquors without a license, or with a license, but out of the licensed place of vend, are liable.

Form and contents of the licenses.

X. The following is to be the general form of the licenses to be granted for the manufacture and vend of spirituous liquors in the zillahs and cities; but where any variation may be necessary from local circumstances, the Collectors are empowered to introduce it:

"Whereas, by the authority of the Governor General in Council, I, A. B., Collector of the zillah of …………, authorize C. D. to keep a still for the manufacture of spirituous liquors in the said city (town or village) of ………… in …………, for one year from the date hereof, it is required of him, as a condition of this license remaining in force, that he duly and faithfully perform and abide by the conditions in the following articles:

"1. That for every still he pay to Government a daily tax of …………

"2. That such still be clearly understood to mean one vessel only; and that if he use more than one vessel, each additional vessel shall be considered as a still, and pay the tax accordingly.

"3. That he confine the vend of the produce of his still to the said city (town or village).

"4. That no single vessel or still worked by him be of a size capable of containing more than fifty seers of water, each seer weighing ………… sicca rupees.

"5. That he prevent, to the utmost of his power, all drunkenness and disorder within his shop, by being careful not to sell a quantity of liquor to any person which may endanger his intoxication.

"6. That he will not harbour thieves or riotous persons, but on the contrary give information to the nearest Magistrate or police officer, of any suspected persons who may resort to his shop.

"7. That he do not receive any goods, or wearing apparel, or property, in barter for liquor.

"8. That he do not open his shop until day-break in the morning, nor keep it open after nine o'clock at night, and that he do not harbour any persons in it during the night.

"Upon any breach of the above conditions this license shall be held to be forfeited. All officers of Government are hereby prohibited from imposing or exacting any tax or cess, under any pretence whatever, on the said C. D., on account of the said still, during the aforesaid period, beyond the tax herein specified; and they are also prohibited from molesting or interrupting him in the prosecution of his profession, while he conforms to the above special provisions and to the Regulations that relate to him.

"Given under my hand and seal, this ………… day of ………… 17…"

Counterpart engagement to be executed by persons taking out licenses.

XI. Persons receiving licenses are to execute a counterpart engagement in the following form:

"I, C. D., having received from A. B., Collector of the zillah of …………, a license for keeping a still for the manufacture of spirituous liquors, in the city (town or village) of ………… in …………, do hereby engage, as an indispensible condition of the said license:

"1. That for every still I will pay to Government a daily tax of …………

"2. That such still shall be clearly understood to mean one vessel only; and that if I use more than one vessel, each additional vessel shall be considered as a still, and pay the tax accordingly.

"3. That I will confine the vend of the produce of my stills to the said city (or town or village) of …………

"4. That no single still or vessel worked by me shall be of a size capable of containing more than fifty seers of water, each seer weiging ………… sicca rupees.

"5. That I will prevent, to the utmost of my power, all drunkenness "and disorder within my shop, by being careful not to sell to any person a "quantity of liquor which may endanger his intoxication.

"6. That I will not harbour thieves nor riotous persons, but will, on the "contrary, give information to the nearest Magistrate or other police officer, "of any suspected persons who may resort to my shop.

"7. That I will not receive any goods or wearing apparel, nor property of "any kind, in barter for liquor.

"8. That I will not open my shop till day-break in the morning, nor keep "it open after nine o'clock at night, and that I will not harbour any persons "during the night.

"I do solemnly engage to conform to the foregoing conditions of my license "faithfully and implicitly, and all such Regulations as may be passed respecting "the manufacture or vend of spirituous liquors, in default of which I shall "consider myself to have forfeited the said license, and to be subject to such "punishment as the Regulations of Government may prescribe.

"Given under my hand and seal, this .... day of .... 17..."

Tax to be levied on the pottahs of the Pausees or extractors of toddy.

XII. A tax shall be levied on toddy, at the rate of twenty-five per cent. on the amount of the rents specified in the pottahs granted by the proprietors of the toddy-trees to the Pausees, or extractors of the toddy.

Penalty for proprietors of toddy-trees attempting to defraud Government of the tax.

XIII. Proprietors of toddy-trees attempting to defraud Government, by entering into a collusion with the Pausees and reducing the rates of rent received by them from the Pausees for their toddy-trees, will, on the same being proved, subject themselves to a fine, equal to three times the amount of the deficiency in the receipts from the tax which may be occasioned by such collusive reduction; and to prevent any diminution of the public revenue from such practices, the Collectors are directed, in instances in which they shall have ground to believe that any collusive reduction of the pottahs of the Pausees has taken place, to tax the Pausees, for the future, at the customary rates of the pergunnah for the trees included in their pottahs.

Rule for guarding against collusive reductions of the rates of the pottahs granted to the Pausees.

Collectors to keep a register of the licenses in the manner herein directed.

XIV. All licenses granted by the Collectors in their respective zillahs shall be issued in numerical order, and a regular register kept of them, exhibiting their number and the date of their issue, the names of the city, town, or village, and pergunnah in which the licensed stills are kept, the names of the persons to whom the licenses are granted, and the amount payable by them respectively for the year, together with a column of reference to the native books of record in which the licenses and caboolеats, or counterpart agreements, are entered at length.

License not to be for a term exceeding one year.

XV. All licenses granted under this Regulation shall be issued for one year only.

Stills not to be established within two coss of the military cantonments herein mentioned.

XVI. The Collectors are not to authorize the establishment of stills for the manufacture of spirituous liquors within two coss of the military cantonments of Barrackpore, Berhampore, or Dinapore.

Rules to be observed in removing stills established in opposition to the preceding section.

XVII. When the Commissaries of bazars shall observe any shops for the sale of spirituous liquors within two coss of the cantonments specified in the preceding section, he shall make a report thereof to the Collector of the zillah in which the shops may be established. The Collector, on receipt of this report, shall appoint a person to accompany an officer on the part of the Commissary, for the purpose of ascertaining the actual distance of the shops from the cantonments, and by measurement if necessary. If the shops shall be found to be within the limited distance, the Collector is to remove them.

Bang, and other intoxicating drugs, to be taxed annually, and not to be sold without a license.

XVIII. Bang, ganja, cherrus, and other intoxicating drugs, shall be subject to a tax to be fixed annually by the Board of Revenue with the sanction of the Governor General in Council, and no person shall manufacture or vend any such drugs without a license from the Collector of the zillah.

Orders of 1782, prohibiting the sale of liquors within ten miles of Calcutta superseded.

XIX. The Regulations passed by the Governor General in Council in the year 1782, prohibiting the sale of spirituous liquors within ten miles of Calcutta, are superseded by this Regulation.

Fine for illicit vend of intoxicating liquors or drugs.

XX. All persons convicted of the illicit manufacture or vend of intoxicating liquors or drugs, shall be subject to the payment of a penalty of three times the amount of the annual rate assessed, at the nearest authorized place of manufacture and vend, on stills, or on the drugs so made or sold.

A.D. 1793. REGULATION XXXV.

A REGULATION *for re-enacting, with Amendments, the Rules passed on the 20th June, 24th October, and 31st November, 1792, and subsequent Dates, for the Reform of the gold and silver Coin in Bengal, Behar, and Orissa; and for prohibiting the Currency of any gold or silver Coin in those Provinces, but the nineteenth sun Sicca Rupees, and the nineteenth sun Gold Mohur, and their respective Divisions and Subdivisions into Halves and Quarters; and for preventing the counterfeiting, defacing, or debasing of the Coin:* PASSED *by the Governor-General in Council on the* 1*st May* 1793 *(corresponding with the* 21*st Bysaak,* 1200 *Bengal era; the* 6*th Bysaak,* 1200 *Fussily; the* 21*st Bysaak,* 1200 *Willaity; the* 6*th Bysaak,* 1850 *Sumbut; and the* 19*th Ramzaan,* 1207 *Higeree).*

I. THE principal districts in Bengal, Behar, and Orissa, have each a distinct silver currency, consisting either of the nineteenth sun sicca rupee, or old or counterfeit rupees of different suns or years, coined previous or subsequent to the Company's administration, which are the standard measure of value in all transactions in the districts in which they respectively circulate. The local circulation of these different sorts of rupees originated chiefly in the following circumstances. Under the native Government, it was customary to insert upon the rupees the year in which they were struck, and the rupees coined at Patna, Dacca, and Moorshedabad (at each of which cities there was an established mint) bore different inscriptions, which in fact rendered the rupees issued in each year from the respective mints a distinct species of coin. Upon the mints at Patna, Dacca, and Moorshedabad being withdrawn soon after the commencement of the Company's administration, the proprietors and farmers of land in the interior parts of the country, who were bound by their engagements to pay the public revenue in sicca rupees, experienced considerable difficulty in obtaining those rupees, from the coinage of them being confined to Calcutta, at which place the only mint that remained in the provinces was established: they were, in consequence, compelled to collect the rents from the Ryots in the species of sonaut, or other old rupees, of which there happened to be the greatest number in their respective districts, and which they were permitted to pay into the public treasuries at a fixed exchange. In consequence of the Ryots being required to pay their rent in a particular sort of rupee, they of course demanded it from the manufacturers in payment for their grain or raw materials; whilst the manufacturers, actuated by similar principles with the Ryots, required the same species of rupee from the traders who came to purchase their cloth or other commodities. The various sorts of old rupees, accordingly, soon became the established currency of particular districts; and, as a necessary consequence, the value of each rupee was enhanced in the district in which it was current, from being in demand for all transactions. As a further consequence, every other sort of rupees brought into the district was rejected, from being a different measure of value from that by which the inhabitants had become accustomed to estimate their property, or if it was received, a discount was exacted upon it, equal to what the receiver would have been obliged to pay upon exchanging it at the house of a Shroff for the rupee current in the district, or to allow upon passing it in payment to any other individual. Thus, if a sicca rupee of the nineteenth sun, which is intrinsically worth about seven per cent. more than an Arcot, was offered in payment in the Dacca province, it was either refused, or received nearly at the same value as an Arcot; whilst the holder of Arcots, or other sorts of rupees, who carried them into districts in which they were not current, was subject to similar loss. The proprietors and farmers of land, or the persons concerned in making their payments to the public treasuries, derived a considerable advantage from this enhanced valuation of the particular species of rupees current in their respective districts, as they were enabled to obtain credit for them in exchange for siccas, in which their revenues were payable, at a rate considerably exceeding their intrinsic worth. The profits which the Shroffs or money-changers derive from this disordered state of the coin is necessarily enormous. Their agents in the different parts of the country buy up all rupees which are brought into districts in which they are not current, and consequently at a depreciated value, and send them for sale to districts where they are the prevailing currency, and in which they dispose of them at an enhanced value to persons who have payments or purchases to make in those districts. The merchants and traders are under the necessity of submitting to the imposition; for no other rupee but the nineteenth sun sicca being coined at the mints, the old rupees are procurable only from the Shroffs, and consequently they must either pay the exchange demanded or discontinue their purchases. From this rejection of the coin current in one district when tendered in payment in another, the merchants and traders, and the proprietors and cultivators of land in the different parts of the country, are subjected in their commercial dealings with each other to the same losses by exchange, and all the other inconveniences that would necessarily result were the several districts under separate and independent governments, each having a different coin. The money-changers are the only description of people who derive any benefit from this disordered state of the coin. The loss falls upon Government and the public at large, and must be perpetual, unless the various old and counterfeit rupees now current in the different parts of the country can be thrown out of circulation, and one species of rupee made the general standard measure of value in all transactions between individuals, and between Government and its subjects. The sicca rupee of the nineteenth sun is the established silvercoin of the country, and the rupee in which the public revenues are payable. It was with a view to render it the general measure of value, that Government determined, in the year 1773, that all rupees coined in future should bear the impression of the nineteenth sun, or year, of the reign of Shah Allum, and no other species of rupee (with the exception of some Arcots) has since been coined in the Calcutta mint. The rupees of the eleventh, twelfth, and fifteenth sun, were indeed directed to be considered current equally with the nineteenth sun sicca rupee: but this was a temporary measure, intended to be continued in force only until there should be a sufficiency of the nineteenth sun sicca rupee introduced into circulation. The number, however, of these three descriptions of rupees is of course inconsiderable, compared with the number of the nineteenth sun sicca rupees that have been coined since the abovementioned year, and they are so much worn as to be no longer fit for circulation. The preceding remarks evince, that it is the interest of individuals of every description, excepting the money-changers, to co-operate with Government to render the nineteenth sun sicca rupee generally current, and the standard of value throughout the country. Amongst the measures considered necessary to effect this important object, the following were the principal: First, to direct the officers employed in the provision of the investment and manufacture of salt, and all commercial transactions of the Company, to make their agreements with individuals for sicca rupees of the nineteenth sun; for if Government, in their extensive commercial dealings and in the provision of the salt, make contracts with their subjects in other species of rupees, they must necessarily continue the measure of value where those concerns are transacted, and it would be as ineffectual to declare the nineteenth sun sicca rupees the only legal currency, as it would be unjust to attempt to enforce the rule. Secondly, to oblige individuals to estimate their property by the nineteenth sun sicca rupee, by declaring the amount of bonds and engagements entered into after a certain period (in fixing which a time was allowed that was presumed sufficient for the introduction of the necessary number of the nineteenth sun sicca rupees into circulation), whereby any sum of money might be stipulated to be paid in any species of rupees excepting the nineteenth sun siccas, not recoverable in any court of judicature. Thirdly, to prohibit the receipt of any rupees excepting siccas of the nineteenth sun, at the public treasuries, after the date above alluded to. This last measure was calculated to oblige the proprietors and farmers of land to require nineteenth sun sicca rupees from their under-renters and Ryots, and consequently induce the latter to demand them from the manufacturers, who, for similar reasons, would necessarily require them from the merchants and traders, and thus make it the interest of all descriptions of persons to receive the nineteenth sun sicca rupee, and to reject every other species of rupee, upon the principles on which they before demanded the particular rupee current in the respective districts. Fourthly, to establish mints at the cities of Patna, Dacca, and Moorshedabad, to coin precisely the same rupee as that struck at Calcutta. Without the adoption of this last arrangement, it would have been useless to declare the nineteenth sun sicca rupee the only legal tender of payment: for unless individuals had been afforded a ready means of procuring their old coin to be converted without loss into the new, they would have been obliged to have purchased the new money from the Shroffs, who would have demanded an exorbitant exchange upon it, as well with a view to reap the immediate advantage as to prevent the establishment of the general currency of the nineteenth sun sicca rupee. Keeping open mints in the interior parts of the country until the circulation may be filled up with that coin, precludes the necessity of any person applying to Shroffs for it, and consequently deprives them of their influence (which is founded on the wants and necessities of individuals), by furnishing all persons with the new money at the cheapest rate and with the least trouble. By the operation of these rules, the various sorts of old and light rupees must, in a course of time, fall to their intrinsic worth compared with the sicca of the nineteenth sun, as they will produce no more in the mint, and to which they will necessarily be brought to be converted into siccas, as they will be no where passable or in demand as coin, from being no where a measure of value. The rules by which the gold coin has been regulated have been productive of evils, similar to those which have prevailed with regard to the silver coin. Under the native administrations, and until the year 1766, the gold mohur was not considered as a legal tender of payment in any public or private transaction, nor was the number of rupees for which it was to pass current ever fixed by the Government. It was struck for the convenience of individuals, and the value of it in the markets fluctuated like other commodities, silver being the metal which was the general measure of value throughout the country. In the year 1766, the value of the gold coin with respect to the silver was first fixed, and the former coin declared a legal tender of payment. A gold mohur was struck, and ordered to pass for fourteen sicca rupees. But as this coin (calculating according to the relative value of the two metals) was much below the worth of the silver in the number of rupees for which it was ordered to pass, it was found impossible to render it current, and it was accordingly called in, and a new gold mohur, being that now current, was issued in 1769, which was directed to pass as a legal tender of payment for sixteen sicca rupees. The intrinsic worth of this coin was estimated to be equal to the nominal value of it, or as nearly so as was deemed necessary to render it current at the prescribed rate. But whether owing to the effect of the orders for the introduction of the over-rated gold coin of 1766, the considerable value of the new gold mohur, and the want of divisions of it, so as to render the coin calculated for the dealings of the lower orders of the people in the interior parts of the country, or other causes, the currency of it has been confined almost entirely to Calcutta, where it has been received and paid in all public and private payments at the fixed value of sixteen sicca rupees. But this partial currency of the gold coin has enabled the money-changers to practice an abuse upon the public and individuals, of a nature similar to that which has prevailed regarding the silver. Individuals are obliged to receive gold mohurs at the full value in all payments made to them from the treasury at Calcutta: but as the coin will not pass in the interior parts of the country, the receivers are under the necessity, when they have occasion to make purchases or advances out of Calcutta, to sell their gold mohurs to a Shroff for silver of the currency of the district in which their purchases are to be made, or, what is the same, for a bill on his house in the district payable in that currency, as the Shroff, in the latter case, exacts the discount in fixing the exchange. The Shroffs pay the gold which they thus purchase at a discount, into the treasury at Calcutta at par, whenever they have payments to make to Government. The gold mohurs are, in this manner, immediately thrown back upon the treasury whenever an opportunity offers, and the Shroffs levy a discount on them as often as they are issued from it. The obstruction to the circulation of the gold coin out of Calcutta necessarily affects its value in purchases in the markets within the town, where also a discount is frequently exacted upon it. The means which appear best calculated to render the gold mohur generally current, are to declare it receivable at all the public treasuries and in all public payments throughout the provinces, at the rate of sixteen sicca rupees; to make it a legal tender of payment in private transactions; to coin a great proportion of halves and quarters; and lastly, to impose a duty upon all gold bullion sent to the mint to be coined, so as to prevent too large a proportion of gold being introduced into circulation, by diminishing, in some degree, the advantage at present derived from the importation of it in preference to silver. Upon the above grounds, the Regulations of the 20th June, 24th October, and 21st November 1792, were adopted; and this detail of them, by apprizing individuals of the principles on which the coin of the country is regulated, will enable them to guard against the impositions of the money-changers, who alone derive advantage from the want of a uniform gold and silver currency. The Regulations above-mentioned are hereby re-enacted with amendments.

Mints established at Patna, Dacca, and Moorshedabad, in addition to the Calcutta mint.

Coin to be struck in the mints.

II. Mints have been established at the cities of Patna, Moorshedabad, and Dacca, in addition to the mint at Calcutta, in which sicca rupees and gold mohurs of the nineteenth sun, of the following weight and standard, and half and quarter rupees and gold mohurs of the same standard and proportionate weight, will be coined:

Weight and standard of the coins.

Nineteenth Sun Gold Mohurs.

Troy weight		Grains	190·894
		Carat.	Grs.
Assay compared with English standard gold, better		1	$3\frac{1}{4}$
Bengal weight		Annas	17
Bengal assay	Touch, or parts of fine gold, in 100		$99\frac{1}{4}$
	Alloy		$0\frac{3}{4}$

Nineteenth Sun Sicca Rupees.

Troy weight		Grains	$179\frac{2}{3}$
Assay compared with English standard silver, better		Dwts.	13
Bengal weight		Annas	16
Bengal assay	Touch, or parts of fine silver, in 100		$97\frac{11}{12}$
	Alloy		$2\frac{1}{12}$

Gold mohurs of full weight and standard coined since the 20th March 1769, to be a legal tender of payment at the rate of sixteen sicca rupees.

III. All gold mohurs of the weight and standard specified in Section II, coined in the Calcutta mint since the 20th March 1769, or which may be coined in that mint and in the mints of Patna, Dacca, and Moorshedabad, after the date of this Regulation, and also their halves and quarters, are to be considered a legal tender of payment in all public and private transactions throughout the provinces of Bengal, Behar, and Orissa, at the rate of sixteen sicca rupees of the nineteenth sun for each mohur, and the half and quarter mohur in proportion. If a native officer of any public treasury shall be convicted before the court of Dewanny Adawlut of any zillah or city of refusing to receive in payment any such gold mohurs, or the halves or quarters of them, at the rates directed in this section, the court shall adjudge the offender to be dismissed from his office, and further compel him to pay to the complainant his costs of suit, and such damages as to the court may seem proper, upon a consideration of the circumstances of the case.

Native officers liable to dismission and to pay costs and damages, upon being convicted of refusing to receive the gold coin.

For all silver bullion or coin of or above sicca standard, coin equal to the weight of the standard bullion to be returned without any charge.

IV. For all silver bullion, or old or light silver coin, equal to or above sicca standard, which may be delivered into the mints, a number of the nineteenth sun sicca rupees, or halves or quarters of such rupees, equal in weight to the silver of sicca standard contained in such bullion or old or light coin, shall be returned to the proprietor without any charge whatsoever.

Twelve annas per cent. to be charged for refining to sicca standard, bullion or old or light coin under that standard.

V. All silver bullion, or old or light silver coin, under sicca standard, which may be delivered into the mints, is to be refined to the sicca standard, and a number of the nineteenth sun sicca rupees, or halves or quarters of such rupees, equal in weight to the refined bullion, shall be returned to the proprietor, after deducting twelve annas per cent. for the expense of refining.

Option given to individuals to have their old gold or silver bullion or money coined into gold mohurs or rupees, or halves or quarters, in any proportions.

VI. It shall be at the option of individuals to have their old or light coin or bullion, *if gold*, coined into gold mohurs, or half or quarter gold mohurs; and if silver, into the nineteenth sun sicca rupees, or half or quarter rupees, or into such proportions of each as they may think proper.

Coin to be milled, and to be of the same size as the die, so as to receive the whole impression upon it.

VII. To guard, as far as possible, against the counterfeiting, clipping, drilling, filing, defacing, or debasing the coin, the edges of both the gold and silver coin are to be milled, and the dies are to be made of the same size as the coin, so that the whole of the impression may appear upon the surface of it.

Coin struck in the several mints to be precisely of the same shape, weight, and standard, and to have the same impression.

Precaution to be taken for preventing any difference in the impression or milling of the coins struck in the three city mints.

VIII. The nineteenth sun sicca rupees and the nineteenth sun gold mohurs, and the halves and quarters of each, which may be coined at the mints established at Dacca, Patna, and Moorshedabad, and at the Calcutta mint, are to be precisely of the same shape, weight, and standard, and to bear the same impression both on the surface and the edges; and with a view to the effectual attainment of the last-mentioned object, the dies for striking and milling the gold and silver coin are to be cut in the Calcutta mint, and distributed by the Mint-master to the three subordinate mints, and when these dies are broken or no longer serviceable, they are to be returned to the Calcutta mint.

Coin struck at the different mints to be received and paid indiscriminately.

IX. The gold and silver coin struck at the different mints is to be received and paid indiscriminately, at the prescribed value, in all public and private transactions.

Mint-master to have private marks put upon the dies.

X. The Mint-master is to cause a private mark to be put upon all dies which may be prepared for the several mints, but in such manner as not to be distinguishable by the naked eye. These marks are to be varied as often as the Mint-master may judge proper upon new dies being made; and he is to keep a register of them, that in the event of any debased or defective coin being found in circulation, he may be able to ascertain from what mint it may have been issued.

XI. The

Further precaution for preventing bad or defective coin being issued from the mints.

XI. The Magistrates of the cities of Dacca, Patna, and Moorshedabad, respectively, are required to proceed in person once in every fortnight, or as often as they may judge it proper, to the mints at Dacca, Patna, and Moorshedabad, without previously apprizing the Superintendent of the Mint, at the time when the money is usually struck off, and with their own hand to take indiscriminately out of the heaps at the foot of the striking presses, three pieces of each description of coin that may have been struck off, and transmit them to the Mint-master at Calcutta, who is to cause the coin to be examined and assayed; and if it shall not be of the proper standard, or if it shall be defective in the workmanship or in any other respect, he is to report the circumstances to the Governor General in Council.

Persons charged with counterfeiting the coin or other offences herein specified, to be committed to the criminal courts.

XII. Persons charged with counterfeiting, clipping, filing, drilling, defacing, or debasing the gold or silver coin, are to be committed to the criminal courts, and punished according as the law may direct.

All persons prohibited affixing marks to the coin.

XIII. All officers, agents, Gomastahs, or others employed in the collection or payment of the public revenue or the rents of individuals, or the provision of the investment, the manufacture of salt or opium, and all proprietors and farmers of land, dependent Talookdars, under-farmers and Ryots, and all persons whomsoever, are prohibited affixing any mark whatever to the gold or silver coin, and all rupees or gold mohurs, or half or quarter rupees or gold mohurs, that may be so marked, are declared not to be legal tenders of payment in any public or private transaction, and the officers of Government are directed to reject any rupees or gold mohurs, or any half or quarter rupees or gold mohurs, so marked, that may be tendered at the public treasuries.

Coin so marked not to be a legal tender of payment, and to be rejected at the public treasuries.

Rules and valuation according to which all rupees not being nineteenth sun siccas are to be received in discharge of the public revenue until the 10th April 1794.

XIV. As the number of the nineteenth sun sicca rupees in circulation in some districts may not be sufficient to enable the proprietors and farmers of land to pay such part of their revenues as they may not pay in gold, in rupees of that description, the various sorts of rupees current in the several districts will be received at the public treasuries from the proprietors and farmers of land in payment of their revenue until the 10th April 1794, corresponding with the 30th Chyte, 1200 Bengal era; the 25th Chyte, 1201 Fussily; the 30th Chyte, 1201 Willaity; the 25th Chyte, 1851 Sumbut; and the 9th Ramzaan, 1208 Higeree; at the fixed rates specified in the following table, which are calculated agreeably to the difference of the intrinsic value that each species of rupee bears to the nineteenth sun sicca rupee, as ascertained by assay in the Calcutta mint.

Sorts of Rupees.	Column First. Sicca Weight.	Column Second. 19 Sun Siccas.
Siccas of Moorshedabad, Patna, and Dacca	per 100 ...	100 0 0
Phooley Sonats	do. ...	100 0 0
Delhy Mahomet Shai	do. ...	99 8 0
Money Surat, large	do. ...	99 8 0
Benares Sicca	do. ...	99 8 0
Bissun Arcots	do. ...	97 14 6
Sonats Sabic and Duckie	do. ...	97 8 0
Forshee Arcots	do. ...	97 6 6
French Arcots	do. ...	97 0 0
Patanca Arcots	do. ...	96 9.6

	Column First. Sicca Weight.	Column Second. 19 Sun Siccas.		
Arungzeebe Arcots	per 100 ...	96	9	6
Gursaul	do. ...	96	9	6
Madras Arcots, new	do. ...	96	4	9
Masulipatam and Shardar Arcots	do. ...	96	0	0
Patna Sonats, old	do. ...	96	0	0
Benares rupees, old	do. ...	95	14	6
Madras Arcots, old	do. ...	95	14	6
Farukabad rupees	do. ...	95	12	9
Jehaujee Arcots	do. ...	95	11	3
Chaunta Arcots	do. ...	95	11	3
Calcutta and Moorshedabad Arcots	do. ...	95	6	6
Old Arcots	do. ...	95	3	3
Dutch Arcots	do. ...	95	0	0
Surat Arcots	do. ...	94	0	0
Benares Trisolie	do. ...	92	6	6
Viziery Rupees	do. ...	63	0	0
Narrainy half Rupee, new	do. ...	63	0	0

Explanation of the mode of receiving the rupees agreeably to the above table.

XV. To prevent misconception of the mode of receiving rupees of sorts under the above table, it is to be understood that one hundred sicca weight of each of the sorts of rupees specified in the first column (whatever number of the rupees may go to that weight), is to be considered equal to the number of nineteen sun sicca rupees placed opposite to it in the second column.

Rule for rupees tendered at the public treasuries which are not specified in the table.

XVI. If any other species of rupees besides those specified in the table are tendered in payment at any of the public treasuries, one hundred sicca weight of them, indiscriminately taken from the sum paid in the presence of the payer or his agent, is to be sent to the nearest mint to be assayed, and the payer shall receive credit for a number of the nineteenth sun sicca rupees equal in weight to the silver of sicca standard that the rupees so paid may be estimated to contain according to the assay, after deducting twelve annas per cent. for the expense of refining, should the rupees be under sicca standard.

Rupees of sorts received at the public treasuries to be sent to the mints.

XVII. Rupees of sorts which may be received at the public treasuries agreeably to the table in Section XIV., or under Section XVI., are not, on any account, to be issued therefrom, but are to be sent to the mints, and coined into siccas of the nineteenth sun.

After the 10th April 1794, no silver or gold coin, excepting rupees or gold mohurs of the nineteenth sun, or their respective divisions and subdivisions, to be considered a legal tender of payment.

XVIII. After the 10th April 1794, no other rupee but the nineteenth sun sicca, and no other gold mohur but the nineteenth sun gold mohur, or the halves and quarters of each, shall be received at any of the public treasuries or issued therefrom, on any account whatsoever; and no other rupees or gold mohurs, excepting the rupees and gold mohurs of the nineteenth sun, and the halves and quarters of each, shall be legal tenders of payment in any public or private transaction.

Bonds or agreements for money, executed prior to the 10th April 1794, to be dischargeable prior to that date, either in the coin stipulated in the deed or in nineteenth sun siccas, at the rates in the table.

XIX. Bonds or writings, or other agreements, whether written or verbal, entered into prior to the 10th April 1794, whereby a sum of money is stipulated to be paid in any species of rupee or gold mohur excepting the nineteenth sun sicca, or the gold mohur of the nineteenth sun, and which may not be discharged previous to the above-mentioned date, may be liquidated, at the option of the debtor, either in the rupee specified in the instrument, or in the nineteenth sun sicca rupee, at the valuation specified in the table in Section XIV., or in the nineteenth sun gold mohur.

Agreements executed after the 10th April 1794, stipulating for the payment of money in any other specie excepting rupees or gold mohurs of the nineteenth sun, or the halves or quarters of them, not recoverable in any court of justice.

XX. After the 10th April 1794, no person shall recover in any court of judicature in the provinces of Bengal, Behar, or Orissa, any sum of money under a bond or other writing, or any agreement written or verbal, entered into after the above-mentioned date, by which any sum of money shall be stipulated to be paid in any species of rupees excepting sicca rupees or gold mohurs of the nineteenth sun, or the halves and quarters of each.

All engagements on the part of Government for the provision of the investment of salt, to be made in the nineteenth sun sicca rupee or gold mohur

Engagements for rent and revenue to be made in the same coin.

Arrears on engagements stipulating the payment of any other coin, not recoverable.

XXI. All engagements hereafter entered into on the part of Government for the provision of the investment or the manufacture of salt, are to be made in the sicca rupee or the gold mohur of the nineteenth sun, and all proprietors and farmers of land are prohibited from concluding engagements with their under-farmers, Ryots, or dependent Talookdars, after the 10th April 1794, in any species of rupees or gold mohurs, excepting the sicca rupees and the gold mohurs of the nineteenth sun, under the penalty of not being permitted to recover any arrears that may become due to them under such engagements.

Punishment for native officers at any of the treasuries refusing to receive the nineteenth sun gold mohur or rupee in payment.

XXII. If sicca rupees of the nineteenth sun of full weight, or the halves or quarters of such rupees, shall be tendered at any of the public treasuries, and any of the native officers shall refuse to receive them in payment of any public demand and shall require any other species of rupees, or if any of the species of rupees mentioned in the table in Section XIV. shall be tendered at the public treasuries, prior to the date specified in Section XVIII., at the valuation specified in the table, and any native officer shall refuse to receive them at such valuation, upon proof of such offence before the Dewanny Adawlut of the zillah or city in which the complaint may be cognizable, the court shall dismiss the offender from his office, and oblige him to pay costs of suit and damages to the party complaining.

Native officers at any of the public treasuries liable to fine and dismission, for receiving any coin but the nineteenth sun rupee or gold mohur after the 10th April 1794.

XXIII. After the date specified in Section XVIII., if any native officer at any of the public treasuries shall be convicted of receiving in payment of a public demand any gold or silver coin, excepting the gold mohur or the sicca rupees of the nineteenth sun, or the halves and quarters of each, the court shall dismiss him from his office, and adjudge him to pay such fine to Government as may appear to them adequate to the offence.

Duty to be levied at the several mints on gold bullion.

XXIV. In consideration of the expense incurred in refining gold, not of gold mohur standard, and with a view to discourage the importation of gold bullion in preference to silver bullion, the following duty is to be levied on gold bullion sent to the mints for coinage.

	Rupees.	Annas.	
Bullion of or above gold mohur standard........	2	8	per cent.
Ditto ¾ to 5 per cent. worse than that standard..	2	12	do.
Ditto from 5 to 10 per cent. ditto...................	3	4	do.
Ditto from 10 to 20 per cent. ditto................	3	12	do.

No duty to be levied on the recoinage of old gold mohurs, halves, or quarters, coined in the Calcutta mint since the 20th March 1769, or which may be hereafter coined in any of the mints.

XXV. No duty is to be charged on the recoinage of old or light gold mohurs, or half or quarter gold mohurs, coined at the Calcutta mint since the 20th March 1769, nor on the recoinage of any gold mohurs, or half or quarter gold mohurs, which may be coined in the mints at Patna, Dacca, Moorshedabad, or Calcutta, after this date.

Order in which bullion delivered into the mints is to be assayed, refined, and coined.

XXVI. All bullion delivered into the mints is to be assayed in the order in which it may be received, refined in the order in which it may be assayed, and coined in the order in which it may be refined. Standard bullion delivered into the mints, is to be registered as refined bullion, on the date on which it may be assayed.

Registers to be kept for public inspection in the several mints.

XXVII. *First.* The following registers are to be kept open at the mints of Calcutta, Patna, Dacca, and Moorshedabad, for public inspection.

Second. A register of unassayed bullion delivered into the mint, specifying the quantity delivered, the date on which it was received, and the name of the proprietor.

Third. A register of bullion assayed and refined, specifying the date on which it was assayed and the date on which it was refined, the name of the proprietor, and the produce in sicca rupees or gold mohurs, together with the date of the certificate granted for the produce, and the date on which such certificate was discharged.

European and native officers of Government herein specified liable to be sued for any breach of the Regulations respecting the coinage.

XXVIII. Collectors of the Revenue, Commercial Residents or Agents, Salt Agents, the Mint-master at Calcutta, the Superintendents of the subordinate mints at the cities of Patna, Dacca, and Moorshedabad, and their respective officers, are to be liable to be sued for damages in the zillah or city court to which they may be amenable, for any breach of this Regulation, or any other Regulation which may be enacted respecting the coin.

A.D. 1793. REGULATION XXXVI.

A Regulation *for establishing a Registry for Wills and Deeds, for the Transfer or Mortgage of real Property :* Passed *by the Governor General in Council on the 1st May 1793 (corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree).*

I. To give security to the titles and rights of persons purchasing real property, or receiving such property in gift, or advancing money on the mortgage of it, or taking it on lease or other limited assignment; to prevent individuals being defrauded by buying, or receiving in gift, or lending money on mortgage, or taking on lease any such property that may have been so previously disposed of or pledged; to afford persons the means of obviating, as far as may be practicable, litigation respecting the authenticity of their wills, or any written authority they may grant to their wives to adopt sons after their death; and that individuals may be able to provide against any injury to their rights or property, by the loss or destruction of deeds relating to transactions of the nature of those above specified, the following rules have been enacted.

An office for the registry of deeds to be established in each zillah and city.

To be superintended by the Register of the zillah or city.

II. An office for the registry of deeds shall be established in each zillah, and in the cities of Patna, Dacca, and Moorshedabad. The superintendence of the office shall be committed to the Register of the court of Dewanny Adawlut, who shall take and subscribe the following oath before the Judge of the zillah or city, previous to his entering on the execution of the duties of the office:

" I,

Oath

"I, A. B., solemnly swear, that I will truly and faithfully execute the "office of Register of Deeds for the zillah or city of ...., and that I "will not, directly or indirectly, derive any pecuniary or other benefit what-"soever from the said office, excepting such as is or may be allowed to me by "this Regulation, or by any Regulation that may be hereafter passed by the "Governor General in Council, and printed and published in the manner "directed in Regulation XLI, 1793: So help me God."

Memorials of the following deeds to be registered.

III. *First.* The Register is authorized and required to register memorials of the following deeds.

Deeds of sale and gift of real property.

Second. Deeds of sale or gift of lands, houses, and other real property.

Mortgages and incumbrances and certificates of the discharge of them.

Third. Deeds of mortgage on land, houses, and other real property, as well as certificates of the discharge of such incumbrances.

Limited assignments and temporary transfers.

Fourth. Leases and limited assignments of land, houses, and other real property, including generally all conveyances used for the temporary transfer of real property.

Wills.

Fifth. Wusseatnamahs or wills.

Authorities to women to adopt sons after the death of their husbands.

Sixth. Written authorities from husbands to their wives to adopt sons after their (the husbands') demise.

Option left of registering any of the deeds specified in the preceding sections, executed, or that may be executed prior to 1st January 1796.

IV. It shall be left to the option of all persons to register or not, as they may think proper, any of the descriptions of deeds specified in the preceding section, that have been executed, or which may be executed, prior to the 1st of January 1796. The not registering such deeds shall in no wise operate to the prejudice of the rights of the parties thereto, which shall remain the same as if this Regulation had never been enacted.

Deeds specified in the three last clauses of Section III., whether executed before or after 1st January 1796, may be registered or not at the option of the parties.

V. It shall also be left to the option of all persons to register or not, as they may think proper, the several descriptions of deeds specified in Clauses Fourth, Fifth, and Sixth, of Section III, whether executed previous or subsequent to the 1st January 1796. The not registering of the deeds specified in those three clauses shall in no wise operate to the prejudice of the rights of the parties thereto, which shall remain the same as if this Regulation had never been enacted.

Deeds of sale or gift executed subsequent to the 1st January 1796.

VI. *First.* Every deed of sale or gift, of the description specified in Clause Second, Section III., that may be executed on or after the 1st January 1796, and a memorial of which shall be duly registered according to this Regulation, shall, provided its authenticity be established to the satisfaction of the court, invalidate any other deed of sale or gift for the same property, executed subsequent to the said date, which may not have been registered, and whether such second or other deed shall have been executed prior or subsequent to the registered deed.

Deeds of mortgage executed subsequent to 1st January 1796, duly registered, to be discharged in preference to mortgages granted subsequent to that date not registered.

Second. Every deed of mortgage of the description specified in Clause Third, Section III., that may be executed on or after the 1st January 1796, and a memorial of which shall be duly registered according to this Regulation, and provided its authenticity be established to the satisfaction of the court, shall be satisfied in preference to any other mortgage on the same property executed subsequent to the said date, which may not have been registered, and whether such second or other mortgage shall have been executed prior or subsequent to the registered mortgage.

Qualification of the rules in the two preceding clauses applicable to cases in which persons may purchase, take on gift, or mortgage property, knowing it to have been previously sold, given, or mortgaged subsequent to the 1st January 1796.

Third. It being the object, however, of the rules in the two preceding clauses, to prevent persons being defrauded by purchasing or receiving in gift, or taking in mortgage, real property which may have been before sold, given, or mortgaged, subsequent to the 1st January 1796, and as persons can never suffer such imposition when they are apprized of the previous transfer or mortgage of the property, it is to be understood, that if any person shall purchase, receive in gift, or take in mortgage, any real property, knowing such property to have been previously sold, given, or mortgaged to any other person subsequent to the 1st January 1796, and that the deed of sale, gift, or mortgage has not been registered, and shall register his own deed, in such case the deed of sale, gift, or mortgage of such subsequent purchaser, donee, or mortgagee, which may have been registered, shall not from the registry of it invalidate, or be discharged in preference to the unregistered deed of sale, gift, or mortgage, first executed, provided the authenticity of the latter be established to the satisfaction of the court.

In what office deeds are to be registered.

Provision for cases in which the property may be situated in two or more jurisdictions.

VII. The registry of all deeds shall be made in the Register office of the zillah or city in which the property affected by them may be situated; and if the property be situated in the jurisdictions of two or more of the courts of Dewanny Adawlut, the deeds affecting it shall be registered in the office of each jurisdiction.

Each description of deeds to be registered in a separate book, paged and attested as herein directed.

VIII. *First.* Each species of deed shall be registered in a separate book, each leaf of which shall be paged, and be attested by the Judge of the Dewanny Adawlut of the zillah or city, who shall note in his own handwriting on the last page of each book, the number of pages contained in each book, and attest the note with his official signature. No register shall be deemed authentic excepting such as shall be so paged and attested.

Deeds registered to be numbered.

Date of the registry, &c. to be noted in the margin of the register.

Registers to be deposited in court.

Second. Every deed entered in a register book shall be numbered, and the date of the month and the year, as well as the time of the day when every deed may be registered, shall be noted in the margin of the register books, which shall be deposited amongst the records of the Dewanny Adawlut.

Forms to be observed in the registry of deeds.

IX. *First.* The following forms shall be observed in the registry of deeds.

Forms.

Second. The person or persons executing the deed, or his or their authorized representative, with one or more of the witnesses to the execution of it, shall attend at the Register's office, and prove, by oath before the Register, the due execution of the deed; upon which the Register shall cause an exact copy of the deed to be entered in the proper register book, and after having caused it to be carefully compared with the original, shall attest the copy with his signature, and shall also cause the parties, or their authorized representatives in attendance, to subscribe their signatures to the copy, in the presence of two creditable witnesses (whose names shall also be subscribed thereto), and shall then return the original, with a certificate under his signature endorsed thereon, specifying the date, and the time of the day on which such deed shall have been so registered, with references to the book containing the registry thereof, and the page and number under which the same shall have been entered therein.

Certificates of the registry of deeds to be considered as evidence of their registry.

X. The certificate of the Register, endorsed agreeably to the forms described in Clause Second of the preceding section, shall be considered in all courts of justice to be sufficient evidence of the registry.

XI. The Register shall, on application being made to him, allow all persons to inspect the register books, as well as grant copies of all deeds registered by him to persons whom they may concern; and such copies, in the event of the originals being lost, destroyed, or not forthcoming, shall be received as sufficient evidence of such deeds in all courts of justice whatever, proof being made by the subscribing witnesses to the original deed that the original was duly executed.

Register to allow all persons to inspect the register books.

To grant copies of deeds.

Copies of registered deeds lost or not forthcoming, to be considered by the courts of judicature as evidence of the originals, the execution of the latter being proved by the subscribing witnesses.

XII. If any person or persons shall at any time be suspected, on sufficient grounds for commitment, of counterfeiting or falsifying any entry in any of the register books ordered to be kept, or any certificate such as is directed to be granted by this Regulation, he or they shall be prosecuted on the part of Government in the criminal court of judicature, and the several Registers shall, as agents for the prosecution, adopt every legal measure in their power for the proof of the crime, and the due execution of the laws against the offender.

Persons counterfeiting or falsifying entries in the register books or certificates to be prosecuted criminally.

XIII. Every Register shall attend at his office for the despatch of all business belonging thereto, during certain specified hours each day, between sunrise and sunset, (Sundays and holidays excepted); and after determining the particular hours of such attendance, he shall affix a written notice thereof in some conspicuous part of his office for general information.

Hours for the registry of deeds.

XIV. The Register shall be allowed a fee of two rupees for every deed registered by him, to be paid by the party causing the same to be registered, and no more; a fee of one rupee for every copy furnished of a deed registered by him, to be paid by the party applying for such copy, and no more; and a fee of half a rupee for every search made on an inspection of the register, to be paid by the party inspecting the same, and no more. The Register is authorized to refuse the official acts required from him until these fees be paid, and from such fees he shall provide the necessary native officers to make the entries and copies directed, as well as the requisite stationery.

Fee to be allowed to the Register for registering deeds, furnishing copies, and making searches.

Register may refuse to perform the official acts required of him until the fee be paid.

To defray the expense of the office from the fees.

XV. The several Registers are permitted, in case of absence from their stations, sickness, or any other disqualification from personal attendance to the duties of their office, to appoint (with the approbation of the Judge to whom they may be Registers respectively) a deputy, being a covenanted servant of the Company and duly qualified, to act for them; and such deputy, so appointed and approved, after taking a similar oath to that prescribed for the Register, shall be authorized to perform the several acts which the Register is hereby empowered to perform. This permission, however, is to be expressly confined to the cases stated; and the Registers, when present at their stations, are not to be allowed to employ any deputy, but are to be required to discharge personally the duties of the office committed to them.

Registers may appoint deputies to officiate for them, in the cases and under the rules herein specified.

XVI. This Regulation is to be in force from the 1st January 1796, and the Judges of the several zillahs and cities in Bengal and Orissa are to transmit a copy of the Persian and Bengal translate of it to every Cauzy in their jurisdiction; and the Judges of the zillahs in Behar and of the city of Patna, are to transmit a copy of the Persian translate of it to each of the Cauzies in their respective jurisdictions.

Regulation to be in force from the 1st January 1796, and translate of it to be sent to all the Cauzies of the provinces.

A.D. 1793.

A.D. 1793. REGULATION XXXVII.

A REGULATION *for re-enacting, with Modifications, the Rules passed on the 23d April* 1788, *and subsequent Dates, for trying the Validity of the Titles of Persons holding or claiming a Right to hold altumgah, jaghire, and other Lands, exempt from the Payment of public Revenue, under Grants termed badshahee or royal, and for determining when certain Grants of that Description shall be considered to have expired; and for fixing the Amount of the public Revenue to be assessed upon the Lands, the Grants for which may expire, or be adjudged invalid:* PASSED *by the Governor General in Council on the* 1st *May* 1793, *(corresponding with the* 21st *Bysaak,* 1200 *Bengal era; the* 6th *Bysaak,* 1200 *Fussily; the* 21st *Bysaak,* 1200 *Willaity; the* 6th *Bysaak,* 1850 *Sumbut; and the* 19th *Ramzaan,* 1207 *Higeree).*

I. BY the ancient law of the country, the ruling power is entitled to a certain proportion of the produce of every begah of land, unless it transfers its right thereto for a term, or in perpetuity. As a necessary consequence of this law, every grant or alienation of Government's proportion of the produce of lands without its sanction, was considered null and void. Had the validity of such grants or alienations been admitted, it is obvious that the public revenue would have been liable to gradual diminution. Under the native Government, grants were occasionally made of the Government's share of the produce of lands, for the support of the families of persons who had performed public services, for religious or charitable purposes, for maintaining troops, and for other services. The British Government continued to the grantees or their heirs such of these grants as were hereditary, and were made before the date of the Company's accession to the Dewanny, provided the grantees or their heirs had obtained possession previous to that date; but those grants which were for life only have been invariably considered as resumable on the death of the grantees. No complete register of these grants having been formed on the Company's accession to the Dewanny, nor subsequent to that period, many persons have retained possession of lands under fabricated or antedated grants, or have succeeded to life grants on the demise of the original grantee or former possessor, without the sanction of Government. The Governor General in Council deeming it incumbent on him to resume the public dues from lands held under invalid tenures, as well as the revenue of all lands the grants for which might expire, and as the proprietors of estates were not entitled to collect such of the public dues from the lands included in their estates as Government had judged it advisable to transfer to individuals, or to resume those which had been alienated or were appropriated without authority, the amount of the revenue of the lands having in both cases been excluded from the assets on which the settlement was to be concluded, it was made a rule at the time of forming the decennial settlement, and which has been re-enacted by Section XXXVI. Regulation VIII. 1793, that the jumma assessed upon the estates of individuals was to be considered as *exclusive and independent of all existing lakheraje lands, whether exempted from the kheraje or public revenue, with or without due authority;* and by the third clause of the seventh article of the Proclamation contained in Regulation I. 1793, which specifies the conditions under which Government declared the decennial settlement permanent, it is expressly stipulated, *that the Governor General in Council will impose such assessment as he may deem equitable on all lands at present alienated and paying no public revenue, which have been or may be proved to be held under illegal or invalid titles.* The Governor General in Council, however, at the same time that he is desirous of recovering the public dues from lands held under invalid tenures, is equally solicitous that persons holding lands under grants that are declared valid should be secured in the quiet possession and enjoyment of them. With this view, and to obviate all injustice or extortion, in the inquiry into the titles of persons possessing lands under such grants, he has resolved that all claims of the public for the resumption of such grants (provided the grantees or persons in possession register their grants as required in this Regulation) shall be tried in the courts of judicature, that no such grants may be resumed until the title of the grantee or present possessor shall have been adjudged invalid by a final judicial decree. Upon the above grounds, and with a view to facilitate the resumption of invalid grants, as well as to prevent any grants being hereafter made without the authority of Government, and further that Government and its officers may at all times have in their possession a correct register of the lands in the several zillahs, held exempt from the payment of revenue under badshahee grants, the following rules, containing the rules passed on the 23d April 1788 and subsequent dates, with modifications, have been enacted.

Badshahee grants made previous to the 12th August 1765, declared valid, provided the grantee obtained possession before that date and has since held possession.

II. *First.* Altumgah, jaghire, ayma, muddudmaush, or other badshahee grants for holding land exempt from the payment of revenue, made previous to the 12th August 1765, the date of the Company's accession to the dewanny, shall be deemed valid, provided the grantee, actually and *bonâ fide* obtained possession of the land so granted previous to that date, and the grant shall not have been subsequently resumed by the officers or the orders of Government.

Grants made before the dewanny, of no validity if possession was not obtained prior thereto, or the grant has since been resumed by authority.

If it shall be proved, to the satisfaction of the court, that the grantee did not obtain possession of the land so granted previous to the 12th August 1765, or that he did obtain possession of it prior to that date, but that it has been since resumed by the officers or the orders of Government, the grant shall not be deemed valid.

Courts to refer to the Governor General in Council, in the event of their entertaining doubts as to the authority of any officer of Government who may have resumed badshahee grants of land, made before the dewanny.

Second. In the event, however, of a claim being preferred by any person to hold land exempt from the payment of revenue, under a badshahee grant made previous to the date of the Company's accession to the dewanny, and on it being proved, to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed, that the grantee held the land exempt from the payment of revenue previous to that date, but that it was subjected to the payment of revenue posterior thereto by an officer of Government, and the court shall entertain doubts as to the competency of such officer, under the powers vested in him, to resume the grant and subject the lands to the payment of revenue, the court shall suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining whether such officer was or was not competent to resume the grant, and upon receiving the determination of the Governor General in Council the court is to decide accordingly.

Claims to hold exempt from revenue under badshahee grants lands that had paid revenue for twelve years, not to be heard.

No such claim, however, to hold exempt from the payment of revenue land that may have been subjected to the payment of revenue for the twelve years preceding the date on which the claim may be instituted, shall be heard by any zillah or city court,

Exception.

court, unless the claimant can show good and sufficient cause for not having preferred the claim to a competent authority within the twelve years, and proceeded in it, as required by Section XIV., Regulation III. 1793.

Persons not being the original grantees, not to be entitled to hold lands exempt from the payment of revenue.

Third. But no part of the two preceding clauses is to be construed to empower the courts to adjudge any person, not being the original grantee, entitled to hold land paying revenue to Government, exempt from the payment of revenue, under a jaghire or other grant made previous to the Company's accession to the dewanny, where the grant may expressly specify it to have been given for the life of the grantee only; or supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where the grant, from the nature and denomination of it, shall be proved to be a life tenure only, according to the ancient usages of the country.

Nor to entitle heirs of persons now possessing exempted lands under life grants made previous to the dewanny, to hold such lands exempt from the payment of revenue upon the death of the present possessor.

Fourth. Nor to entitle the heirs of any person now holding lands exempt from the payment of public revenue under a jaghire, or other badshahee life grant, made previous to the dewanny, to succeed to, and hold such land exempt from the payment of revenue upon the demise of the present possessor; where the grant may expressly specify it to have been given for the life of the grantee only, or supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where from the nature and denomination of the grant, it shall be proved to be a life tenure only, according to the ancient usages of the country.

The present possessors of such life grants prohibited from transferring them, or mortgaging the revenue of them beyond their own lives.

Fifth. The present possessors of lands now exempt from the payment of revenue under such jaghire or other life grants made previous to the dewanny, and declared by the preceding clause not to be hereditary, are prohibited from selling, or otherwise transferring them, or mortgaging the revenue of the lands for a longer period than their own lives, and all such transfers and mortgages which have been or may be made, are declared illegal and void.

All grants made or confirmed since the dewanny, excepting by the authority of Government or its officers duly empowered, declared invalid.

III. *First.* All badshahee grants for holding land exempt from the payment of revenue, which may have been made since the 12th August 1765, by any other authority than that of Government, and which may not have been confirmed by Government, or by any officer empowered to confirm them, are declared invalid.

Courts how to proceed in the event of their entertaining doubts of the authority of the officer to confirm the grant,

Second. If doubts shall be entertained by any court as to the competency of the authority of any officer to confirm any such grant, the court is to suspend its judgment, and report the circumstances of the case to the Governor General in Council, to whom a power is reserved of determining finally whether the officer possessed competent authority to confirm the grant, or otherwise, and the court, upon receiving the determination of the Governor General in Council, shall decide accordingly.

Questions regarding the proprietary right in lands included in grants, to be determined in the Dewanny Adawlut.

IV. It is to be understood that this Regulation respects only the Government proportion of the revenue arising from lands held or claimed to be held under badshahee grants, and whether Government is entitled to resume or retain such revenue or otherwise. Every dispute or claim regarding the zemindarry or proprietary right in lands included in any grant, is to be considered as a matter of a private nature between the contending parties, and is to be determined in the Dewanny Adawlut.

Collectors to attach the revenue of lands in escheated grants.

V. When a jaghire or other life grant shall escheat to Government, the Collector is immediately to attach the revenue of the lands, and report the circumstance to the Board of Revenue, who are to obtain the orders of the Governor General in Council regarding the resumption of the grant.

Lands included in resumed grants to be assessed, and the revenue to be paid by the proprietor, according to the regulations for the decennial settlement.

VI. When any badshahee grant shall be resumed, or expire, or escheat to Government, the revenue to be paid to Government from the lands included in it shall be assessed, and the settlement made in perpetuity, agreeably to the rules for the decennial settlement contained in Regulation VIII. 1793, with the person possessing the zemindarry or proprietary right in the lands, whoever he may be. If the proprietor shall refuse to pay the jumma demanded of him, the lands shall be held khas or let in farm, as directed in that Regulation.

Collectors to prosecute for the resumption of grants which are declared invalid.

No lapse of time to be a bar to the resumption of grants.

VII. It is to be the duty of the Collectors, after receiving the sanction of the Board of Revenue for that purpose, as directed in Section IX., to prosecute in the court of Dewanny Adawlut, on behalf of Government, for the resumption of grants that are declared invalid by this Regulation, and no lapse of time shall be considered as a bar to the resumption of such grants.

Commission of twenty-five per cent. to be received by Collectors on the permanent jumma of lands included in grants resumed in consequence of suits prosecuted by them to a final decision.

Collectors instituting suits, but not prosecuting them to final judgment, not to receive commission, excepting in the cases herein specified.

VIII. The Collectors shall receive a commission of twenty-five per cent. on the amount of the jumma which may be assessed in perpetuity, on the land contained in grants which may be resumed in consequence of suits which may be prosecuted by them to a final judgment. Collectors who may institute suits for the recovery of the public dues from lands, but who shall not prosecute them to a final decision whilst they hold the office of Collector of the zillah in which the lands may be situated, shall not be entitled to any commission in the event of the lands being adjudged liable to the payment of revenue, but the commission shall be paid to the Collectors who may prosecute the suit to a final judgment, as above prescribed; unless the Governor General in Council shall deem it equitable, upon a consideration of the circumstances of the case, to give the whole, or any part of the commission to the Collectors by whom the suits may have been instituted, or to Collectors who may have succeeded the Collectors who instituted the suits, and preceded the Collectors by whom they may have been prosecuted to a final decision.

Collector to report to the Board of Revenue whenever he may receive information of land held under an invalid grant.

Board, if they see grounds, empowered to order the Collector to sue for the resumption of the grant.

May require the person in possession to deliver up his title deeds;

IX. When a Collector shall have reason to believe that land is held by any person exempt from the payment of revenue under a grant that is declared invalid by this Regulation, he is to state such information as he may possess, or be able to procure respecting it, to the Board of Revenue, who, if there shall appear to them ground to believe that the grant is invalid, are empowered to order the Collector to institute a suit for the resumption of it. The Board of Revenue are likewise empowered, previous to ordering the institution of the suit, to authorize the Collector to demand from the grantee or person in possession, by a written requisition under his official seal and signature, and expressly specifying it to be made pursuant to the orders of the Board, to deliver into his custody, by a time to be limited in the requisition, all the writings in virtue of which he may possess the lands, or under which they may have been held exempt from the payment of revenue. The Collector is to give a receipt for the writings. If the grantee or possessor shall omit or refuse to deliver the writings within the limited time, the Board of Revenue are empowered to order the Collector to issue a second and similar requisition to him to deliver the writings by a specific day, and shall at the same time impose such daily fine on the grantee or possessor as they may judge proper, upon a consideration

and may fine him on his refusing to deliver up the writings upon the first requisition, consideration of his situation and circumstances in life, and the amount of the fine shall be levied by the process prescribed for the recovery of arrears of revenue: and if the grantee or person in possession shall not deliver up the writings by the time prescribed in the second requisition, the Board of Revenue are empowered to attach the lands, and collect the rents on account of Government, until the grantee or person in possession shall produce the writings, or the grant shall be adjudged invalid. If the grantee or person in possession shall deny that he has any writings, or shall not deliver up all the writings, and upon a suit being instituted against him for the recovery of the public dues, he shall in the first case produce any writing, and in the second, any writing or writings besides such as he may have delivered to the Collector, the writing or writings so produced shall not be received by the court in evidence, nor shall they be allowed to have any weight in the decision, any more than if they had never existed; unless, in the second case, he shall shew good cause, to the satisfaction of the court, for not having produced the writings, and shall prove that he assigned such cause in answer to the Collector's requisition. But no Collector is to require any person holding lands under any grant to produce his title deeds or writings (excepting for the registry of them by the publication specified in Section XX.), or to institute a suit for the resumption of the grant, without obtaining the previous orders of the Board of Revenue for that purpose. The Board of Revenue are empowered, without receiving any previous report from the Collectors, to order suits to be instituted for the resumption of grants which they may have ground to believe are invalid.

and levy the amount in the same manner as arrears of revenue;

and attach the lands upon his not complying with the second requisition.

Grantees denying that they have any writings, not to be allowed to avail themselves of any writings they may afterwards produce.

Qualification of the rule.

Collectors prohibited requiring from the grantees their title deeds, or instituting a suit against them without the previous sanction of the Board of Revenue.

Board of Revenue may order suits to be instituted without any previous report from the Collectors.

X. Any person having a claim to hold lands paying revenue exempt from the payment of revenue under a badshahee grant, must institute his claim against Government, who alone can be the defendant in such suits, in the Dewanny Adawlut of the zillah, in the same manner as in cases where individuals may claim a right to hold lands paying revenue, exempt from the payment of revenue under grants not of the description of those termed badshahee, in virtue of Regulation XIX. 1793. The Collectors of the revenue are to defend all such suits as may be instituted against Government, and such suits, and the suits which the Board of Revenue may direct the Collector to institute, are to be defended or prosecuted by the Vakeel of Government, under the instructions of the Collector; and in the event of Government being cast, either wholly or in part, or if the Collector shall be dissatisfied with the decree in any respect, all the rules contained in Section XXX., Regulation XIV. 1793, and the other Sections in that Regulation, respecting decisions given against a Collector in any zillah court, in suits instituted against him by any proprietor or farmer of land, for sums of money demanded or actually received by him as arrears of revenue, are to be held applicable to such decree, with this difference, that the suit, from the commencement of it, is to be defended or carried on at the expense of Government, and in the event of the Board of Revenue not deeming it proper to order an appeal from the decision of the zillah court to be preferred to the provincial court of appeal, or from the decision of the provincial court to the Sudder Dewanny Adawlut, in the event of their ordering the cause to be appealed to the provincial court, and of its being given against them therein, they are to report their reasons in both cases for not preferring the appeal to the Governor General in Council, who

Persons claiming to hold lands paying revenue exempt from revenue under badshahee grants, to sue Government.

Collector to defend the suit.

Vakeel of Government to defend or prosecute suits instituted against or by Government.

Rules to be observed by the Collector in the event of Government being cast wholly or in part.

who will direct the cause to be appealed or not, in either case, as may appear to him proper.

Courts to award adequate costs and damages in cases of prosecutions being instituted on insufficient grounds, under this Regulation.

XI. If a suit shall be brought before a court of judicature by a Collector on the part of Government for the resumption of a grant, or by any individual against Government, to hold exempt from the payment of revenue under a grant lands paying revenue to Government, and it shall appear to the court that the suit was instituted upon insufficient grounds, it shall award against the prosecutor, in favour of the party sued, such costs and damages as may appear to it equitable, upon a consideration of the circumstances of the case.

Grants forged or altered in any respect, or antedated declared void.

XII. If it shall appear to any court of judicature, during the course of a trial, that a grant has been forged, or that the name of the original grantee has been erased and any other name substituted, or that any name not in the original grant has been inserted, or that the denomination, or the terms of the tenure in the original grant, have been erased or altered, or that the date of the grant has been changed, or that the grant has been antedated, the grant shall be adjudged null and void.

Persons concerned in the frauds liable to a criminal prosecution.

XIII. Any person by whom any of the frauds specified in the preceding section may appear to have been committed, or who may have been concerned therein, shall, provided the court is of opinion that there are sufficient grounds for a criminal prosecution, be committed or held to bail, according to the circumstances of the case, to take his trial before the court of circuit.

Proprietors of land included in resumed grants, to pay the jumma from the date of the first decision, adjudging the land not exempted.

XIV. Where a grant may be adjudged invalid and the lands shall be subjected to the payment of revenue, the former holder of the grant shall not be required to refund any part of the collections which he may have made from the lands previous to the date of the first decree, adjudging the land subject to the payment of revenue, whether it be given in the zillah court, the provincial court of appeal, or the Sudder Dewanny Adawlut; but he shall be responsible for the collections from the lands from the date of such first decree, adjudging the land subject to the payment of revenue.

Cases in and rules under which certain grants are to be transferrible.

XV. Altumgah, ayma, and muddudmaush grants, are to be considered as hereditary tenures. These and other grants, which from the terms or nature of them may be hereditary and are declared valid by this Regulation, or which have been or may be confirmed by the British Government, or any of its officers possessing competent authority to confirm them, are declared transferrible by gift, sale, or otherwise, and all persons succeeding to such grants, by whatever mode, are required to register their names in the office of the Collector, within six months after they may succeed to the grant. But all such purchases are to be considered as made at the risk of the purchaser; and in the event of the grant not proving to be hereditary, or not to have been made or confirmed by the British Government, or its officers possessing competent authority, the transfer is not to preclude the land from being subjected to the payment of revenue under this Regulation. Jaghires are to be considered as life tenures only, and with all other life tenures are to expire with the life of the grantee, unless otherwise expressed in the grant.

Jaghires to be considered as life tenures, unless the grant shall express otherwise.

Record of lands included in grants that may become liable to the payment of revenue.

XVI. *First.* When any grant shall be adjudged invalid, or shall expire or escheat to Government, the name or names of the mohauls and villages, or lands, included in the grant, and the measurement thereof, the purgunnah in which the lands may be situated, the amount of the public revenue assessed thereon, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions and occurrences, directed to be kept by Section XXVIII.; and opposite to such entry the Collector is to insert in red ink, the number of the page in the periodical register directed to be kept by Section XVII., in which the lands may stand recorded; and in the periodical register he is to specify in red ink the number of the page in the register of intermediate resumptions and occurrences in which the decree, adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. These entries in the register of intermediate resumptions and occurrences are likewise to be inserted in the register of intermediate mutations in landed property paying revenue to Government, directed to be kept by Section XVI., Regulation XLVIII. 1793, in order that the land may be recorded in its proper place, as an estate paying revenue to Government, in the next quinquennial register which may be formed agreeably to the above-mentioned Regulation. The Collector is to insert in red ink, opposite to the entries relating to such lands in the periodical register and the register of intermediate resumptions and occurrences, the number of the page in the register of intermediate mutations in which the above required entries may be made, and he is also to specify in red ink opposite to such entries in the register of intermediate mutations, the number of the page in the periodical register, and the register of intermediate resumptions and occurrences, in which such entries respecting the land may be inserted.

Record of land now subject to the payment of revenue, but which may be hereafter adjudged or become exempt from the payment of revenue, where to be made.

Second. When land now subject to the payment of revenue shall be finally adjudged, on the claim of any individal, to be exempted from the payment of revenue under any grant, or when the Governor General in Council shall make any new grant, the name or names of the mohauls, villages, or lands, which may be so adjudged exempted, or granted, the measurement thereof, the pergunnah in which they may be situated, the name or names of the grantee, the amount of the revenue before assessed thereon, and a copy of the decree or grant, are to be entered in the register of intermediate mutations, directed to be kept by Regulation XLVIII. 1793; and the Collector is to insert in red ink, opposite to such entry, the number of the page in the last-formed quinquennial register in which such mohauls, villages, or lands may be recorded, that the lands included in the grant may be omitted in the quinquennial register which may be next formed, and also the number of the page in the register of intermediate resumptions and occurrences directed to be kept by this Regulation, in which such entries are also to be recorded, that they may be inserted in their proper place in the periodical register of grants that may be next formed; and the Collector shall insert in red ink, opposite to such entries, the number of the page in the register of intermediate mutations from which they may have been taken.

Register of badshahee grants to be prepared every five years.

Contents of the register.

XVII. That Government and its officers may have in their possession, at all future periods, a complete register of all the lands in the provinces held exempt from the payment of revenue under badshahee grants, a register of all such grants shall be formed every five years in each zillah. The register is to specify the denomination of each grant, whether altumgah, jaghire, or other tenure; the name of the original grantee and the person in possession, and if the person in possession be not the original grantee, his relationship to him, if any relationship should exist, and in virtue of what right he succeeded to the grant; the date of the grant, the names of the mohauls and villages or lands comprised in the grant, or in which the grant may be situated, the person or persons possessing the zemindarry or proprietary right in the lands, the measurement in begahs of the mohauls and villages or lands included in the grant, and the name of the pergunnah, sircar, and soubah, in which the land granted may be situated. The register shall be denominated the "periodical register of lands held exempt from the payment of revenue "under badshahee grants."

Denomination of the register.

XVIII. Upon the receipt of this Regulation, the Board of Revenue are to prepare a form for the periodical register, and transmit a copy of it for the guidance of the Collectors, who are strictly enjoined to adhere to it.

Board of Revenue to prepare a form for the periodical register. Collectors to adhere to the form.

XIX. All persons actually holding lands exempt from the payment of public revenue under badshahee grants, and whether made or confirmed by the Government of the country for the time being, or by whatever authority, shall be allowed one year, from the date of the publication prescribed in the following section, to register the required particulars respecting their grants in the office of the Collector of the revenue of the zillah in which the lands may be situated.

Holders of grants allowed one year to register them from the time specified in the following section.

XX. To prevent any pleas being hereafter urged of ignorance of the rule contained in the preceding section, the Collector of each zillah in which any jaghire, altumgah, ayma, or muddudmaush, or other lands held under sunnuds or grants termed badshahee, may be situated, upon the receipt of this Regulation is to cause the following publication, which shall be written in the Bengal and Persian languages, in Bengal and Orissa, and in the Persian language, and the Hindostanee language and Nagaree character, in Behar, and attested with their official seals and signatures, to be fixed up in the principal cutcherry of the holders of grants of the description of those specified in this Regulation, and take a receipt from the holder of such grant, or the person entrusted with the management of it, specifying the date on which the publication may be fixed up, and that he will be responsible for the paper remaining so affixed for one year from the date of it.

Publication to be made requiring all persons to register their grants.

Publication.

" In conformity to Regulation XXXVII. 1793, every person being actually " in possession of altumgah, jaghire, ayma, muddudmaush, or other land, " now exempt from the payment of revenue and held under badshahee " grants, in the zillah of ...., whether made or confirmed by the " Government of the country for the time being or by whatever authority, are " required to register the following particulars respecting such grants in the " office of the Collector of the zillah, before the expiration of one year from " the date of this publication. If any holders of such grants who shall not " register their grants, either in person, or by a vakeel with a vakalutnamah " attested by two credible witnesses, and given for the express purpose of " registering the grants, the grants will be considered liable to resumption, " and the lands chargeable with revenue, in the same manner as other lands

" subject to the payment of revenue. Persons having claims only to hold
" land exempt from the payment of revenue under such grants, but who do
" not now hold the lands exempted, are not to register the lands so claimed
" by them.

" Denomination of the grant, whether altumgah, jaghire, or other tenure.

" By whom granted.

" Name of the original grantee.

" Name of the present possessor, and if he be not the original grantee, his
" relationship to him, and whether he succeeded to the land hereditarily or
" by purchase, or what other mode.

" Date of the grant.

" The name or names of the mohauls or villages, or lands, comprised in
" the grant, or in which the land may be situated.

" The names of the Zemindar or other proprietor of the mohauls, or
" villages, or lands included in the grant, whether such zemindarry or pro-
" prietary right shall be vested in the grantee or any other person.

" The measurement of each mohaul or village, or the land included in the
" grant.

" The pergunnah or pergunnahs in which the lands may be situated.

" A copy of the original grant and other writings under which the land may
" be held."

Grants not registered within the prescribed time declared liable to resumption, unless the Governor General in Council shall admit them upon the register.

XXI. If any person in possession of any such grant that may be now in force shall omit to register it by the time prescribed in the publication, together with as accurate a detail of the particulars thereby required as he may be able to furnish, the grant shall, by such omission, become subject to resumption, and the lands shall become liable to the payment of revenue to Government. The Governor General in Council, however, reserves to himself the power of admitting any grant upon the register after the expiration of the prescribed time, in the event of the possessor showing good and sufficient cause, to his satisfaction, for not having registered it within the limited period, and the Board of Revenue are to report to the Governor General in Council every case in which persons, who may have omitted to register their grants as required, may appear to them entitled to have their grants admitted upon the register.

Grants not registered within the prescribed period, or admitted by the Governor General in Council, to be considered forfeited.

XXII. After the expiration of the period limited for registering grants, all grants not registered within the prescribed time, and which may not be subsequently admitted on the register by the Governor General in Council, are declared forfeited, and the lands shall be assessed with revenue, agreeably to the rules prescribed for the decennial settlement.

Registry of grants not to be considered as an admission of the possessor's proprietary right in the soil, nor of the validity of the grants.

XXIII. It is expressly declared, however, that the registry of a grant under this Regulation is not to be considered as an admission of the right of the person in whose name it may be registered to the property in the soil, nor of the validity of his grant. Any person will be at liberty to sue in the Dewanny Adawlut for the former, and he will be liable to be sued for the resumption of the grant by the Collector, with the sanction of the Board of Revenue, in the event of it appearing to that Board that the grant is invalid.

Collector to prepare the register upon the

XXIV. Upon the expiration of the period for registering the grants in each zillah, the Collector is to prepare a draft of the register in the form which may be prescribed by the Board of Revenue, and to cause it to be transcribed into a book of such dimensions as they may direct. The book shall have the following inscription on the back of it:—"Periodical register formed under "Regulation XXXVII. 1793, of altumgah, jaghire, and other lands held "exempt from the payment of revenue under badshahee grants, in the zillah "of ...., at the commencement of the year .... Bengal (Fussily or "Willaity) era, corresponding with the year of the Christian era ......, Num- "ber ...." Each leaf of the book shall be paged; and be signed by the Judge of the Dewanny Adawlut of the zillah; and on the last leaf of the book he is to note, in his own hand-writing, the number of pages in the book, and subscribe the note with his signature, and no register is to be deemed authentic but such as may be entered in a book so paged and attested. The first periodical register is to be numbered one.

expiration of the period limited for the registry of the grants.

Inscriptions on the back of the register.

Book to be paged, and each page to be attested by the Judge of the zillah.

Judge to specify the number of pages in the book on the last leaf.

XXV. The second periodical register is to commence with the year 1207 of the era current in each province. This register is to be numbered two; and the periodical register, to be prepared at the commencement of every subsequent five years, in the order in which it may be formed.

Second periodical register to commence with the year 1207, to be numbered two, and the subsequent registers in their order.

XXVI. The keepers of the native records are to keep an exact counterpart of the English periodical register, in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the Judge of the Dewanny Adawlut of the zillah in the same manner as the books containing the English registers, and no other counterparts of the registers of grants shall be considered as authentic, but such as may be entered in a book so paged and attested.

Counterpart register in the native languages to be kept by the keepers of the native records.

XXVII. The counterpart registers, in Bengal and Orissa, are to be kept in the Bengal and Persian languages, and in Behar, in the Persian language, and the Hindostannee language and Nagaree character.

In what language the counterpart registers are to be kept.

XXVIII. For the purpose of recording all resumptions, or new grants, or other occurrences respecting the grants which form the subject of this Regulation, that may take place during the interval of the five years between the forming of each periodical register, and the particulars of which will be necessary for forming the second and all future periodical registers, the Collectors are to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated "The register of intermediate "resumptions, or other occurrences, respecting altumgah, jaghire, or other "badshahee grants," and shall have the following inscription on the back, "Register formed under Regulation XXXVII. 1793, of intermediate resump- "tions or other occurrences respecting altumgah, jaghire, or other lands, held "exempt from the payment of revenue under badshahee grants in the zillah "of ...., between the commencement of the year .... and the end "of the year ...., Bengal (Fussilly or Willaity) era." Previous to any entries being made in this register it is to be paged, and the Judge of the Dewanny Adawlut of the zillah is to sign each leaf of it, and on the last leaf note in his own hand-writing the number of pages contained in the book, and attest the note with his signature. The Collector is to cause to be entered in this register all grants not registered within the time prescribed in the publica-

Manner in which resumptions and other occurrences regarding grants in the intervals between the forming of the periodical registers are to be recorded.

tion in Section XX, which the Governor General in Council may order to be admitted upon the register under Section XXI., all grants of land that may be adjudged or become liable to the payment of revenue, all lands now paying revenue which may be adjudged to be held exempt from the payment of revenue by any individuals under any grant, all new grants that may be made by the Governor General in Council, and all exempted lands held under such grants which may be separated from or annexed to the jurisdiction of the zillah, with the authority for these several occurrences, and also the particulars for completing the requisite entries in the register of intermediate occurrences, in the cases specified in Section XVI., in which entries are directed to be made in that register.

Documents respecting grants to be furnished by Collectors of zillahs from which separations may be made.

XXIX. When mohauls are ordered to be separated from one zillah and annexed to another, the Collector of the zillah from which the separation is to take place is to transmit to the Collector of the zillah to which the annexation is to be made, a copy of the entries in the preceding periodical register, as far as they may regard the badshahee grants in such mohauls, and also of any entries respecting them in the register of intermediate occurrences which may have taken place subsequent to the forming of the last periodical register.

How such separations and annexations of exempted lands are to be notified to the courts of judicature.

XXX. Upon the arrival of the period when the separation is to be carried into effect, the Collector of the zillah from which the separation may be directed to be made is to transmit to the Judge of the Dewanny Adawlut of his zillah, and also to the provincial court of appeal of the division, copies of the entries in the last periodical register and register of intermediate occurrences, which may relate to the grants to be separated from his zillah; and the Collector to whose zillah the annexation may be made is to transmit copies of the above-mentioned entries (with which he is directed to be furnished in the preceding section) to the Judge of the zillah, and to the provincial court of appeal of the division in which the lands may be included. Immediately on the receipt of these papers, the courts from the jurisdiction of which the separation may be made are to transmit the papers in the causes depending before them, which in consequence of the separation may become cognizable in any other provincial court of appeal or zillah court, to such court, and to cause notification thereof to be communicated to the parties in writing.

Collectors enjoined never to allow the register of intermediate occurrences to fall in arrear.

XXXI. The Collectors are to attest all entries in the register of intermediate resumptions and occurrences with their official signatures; and they are strictly enjoined never to allow that register to fall in arrear, but to make the necessary entries immediately upon any resumptions or other occurrences taking place.

Counterpart of the English register of intermediate occurrences to be kept by the keepers of the native records.

XXXII. A counterpart of the register of intermediate resumptions and occurrences is to be kept by the keepers of the native records, in the same form as the English register, and in a book, the leaves of which are, in like manner, to be paged and attested by the Judge of the Dewanny Adawlut of the zillah.

How errors in the fair copy of the periodical register, and in the register of intermediate occurrences, are to be corrected.

XXXIII. When a periodical register shall have been transcribed fair into the book attested by the Judge of the zillah, as directed in Section XXIV., if it shall be discovered that the entries respecting any grant are erroneous or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand, and the Collector is to cause the errors or omissions to be noted in the register of intermediate resumptions and occurrences, and to attest the entry with his signature, and insert in red ink, opposite to the erroneous or incomplete entries in the periodical register, the number of the page in the register of intermediate resumptions and occurrences in which the errors or omissions may be noted, and at the end of the note specify the number of the page of the periodical register in which the property may be registered. Errors or omissions in the register of intermediate resumptions and occurrences are to be noted in a similar manner.

Similar rule with regard to errors in counterparts of the periodical register and register of intermediate occurrences in the native languages.

XXXIV. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the Collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate resumptions and occurrences in the country languages shall, in addition to the attestation of the keepers of the native records, be signed by the Collector.

Persons in possession of the proprietary right in the lands to be registered as the proprietors.

XXXV. If the proprietary right in any land included in a badshahee grant shall be under litigation in a court of justice, at the time of forming the first or any subsequent periodical register, the party in possession is to be registered as the proprietor.

Holders of grants liable to be fined for omitting to furnish any information that may be required by the Collectors for preparing the registers.

XXXVI. If a Collector shall have occasion to require from the holder of a grant any information that may be necessary to enable him to form a periodical register, or to make the requisite entries in the register of intermediate resumptions and occurrences, and such person shall omit to furnish it by the time required, after having been served by the Collector with a written requisition for that purpose under his official seal and signature, the Collector is to report the circumstances to the Board of Revenue, who are empowered to impose on such persons whatever daily fine may appear to them proper, on a consideration of his situation and circumstances in life and of the case, until he shall furnish the information required, unless he shall prove, to the satisfaction of the Board, that it was not in his power to furnish it. The Collector is to levy the amount of such fines by the process to which he is authorized to have recourse for the recovery of arrears of revenue. The Board of Revenue are to furnish the Collectors in the several zillahs with such records or information as they may possess regarding the exempted lands in their respective zillahs, as well to assist them in preparing the first periodical register, and in detecting frauds that may be attempted to be practised upon them in registering the grants, as to aid them in ascertaining what lands, now held exempt from the payment of revenue under grants, are liable to the payment of revenue according to this Regulation.

Board of Revenue to furnish the Collectors with all papers and information they may possess regarding the exempted lands in their respective zillahs.

To whom the Collectors are to send copies of each periodical register and of the quarterly entries in the register of intermediate occurrences.

XXXVII. The Collectors of the several zillahs are to transmit to the Board of Revenue, as early as may be practicable, an attested copy of the periodical registers, both in the English and the native languages, each in a book of the prescribed size, paged and attested by the Judge of the Dewanny Adawlut of the zillah, in the same manner as the original register, as directed in Section XXIV.; and within one month after the expiration of the third, sixth, ninth, and twelfth month of the Bengal, Fussily, and Willaity year (according to the era current in their respective districts), an attested copy of the entries in the register of intermediate resumptions and occurrences that may have taken place during the three preceding months. The Collector of each zillah is to transmit a similar copy of the periodical register, and of the quarterly entries in the register of intermediate resumptions, to the Judge of the Dewanny Adawlut of the zillah and to the provincial court of appeal, in the jurisdiction of which the zillah may be included. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the periodical registers of each zillah, and of the quarterly entries in the registers of intermediate resumptions and occurrences, as soon as they may receive them from the Collectors.

Courts, the Board of Revenue, and the Collectors, to be careful to preserve the periodical registers and registers of intermediate resumptions.

XXXVIII. The courts of judicature, the Board of Revenue, and the Collectors, are enjoined to be particularly attentive to the preservation of the periodical registers and registers of intermediate resumptions and occurrences, both in the English and native languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects, or otherwise.

From what materials the periodical register commencing with 1207, and subsequent registers, are to be formed.

XXXIX. The periodical register which is to be formed in each of the zillahs in Bengal, Behar, and Orissa, at the commencement of the Bengal, Fussily, and Willaity year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding periodical register, and the entries in the subsequent register of intermediate resumptions and occurrences, with the omission of any grants of land that may have been resumed and subjected to the payment of revenue during the preceding five years, or that may have been transferred to the jurisdiction of another zillah, and with the addition of any grants of land that may have been annexed to the zillah, or that may have been admitted upon the register by the Governor General in Council under Section XXI.; also new grants made by the Governor General in Council, and lands which any person may be adjudged entitled to hold exempted from the payment of revenue under a badshahee grant, by a final decree of a court of judicature in a suit instituted under this Regulation. The materials for each periodical register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book, arranged according to the prescribed form.

Penalty for native officers receiving money or property on account of the registry of grants.

XL. If it shall be proved, to the satisfaction of the Judge of the Dewanny Adawlut of any zillah, that a native officer of a Collector, or of an Assistant to a Collector, shall have received, directly or indirectly, any sum of money, or effects, or other property, from any person for registering a grant under this Regulation, or on account of any matter relating to the registry thereof, the court shall adjudge him dismissed from his office, and compel him to repay the money proved to have been taken, with a fine of three times the amount to Government and costs to the party suing him, and commit him to prison until he shall have discharged the amount of the decree, or it shall have been made good by the sale of his property.

Penalty for private servants or dependants of a Collector, or of an

XLI. If any native servant or dependant of a Collector, or of an Assistant to a Collector, not being a public officer, shall be convicted before the court of

Dewanny

Assistant to a Collector convicted of the offence specified in the preceding section.

Dewanny Adawlut of the offence specified in the preceding section, he shall be compelled to restore the money to the person from whom it may have been taken, and to pay a fine of three times the amount to Government, with costs to the party suing, and be confined for six months; and if he shall not discharge the amount of the decree by the expiration of the sixth month, he shall be confined until he makes good the amount, or it shall be realized from the sale of his property; and the Collector or Assistant is to discharge such servant, and never to employ him in his public or private capacity.

Regulation not to be considered to extend to grants not badshahee.

XLII. No part of this Regulation is to be considered to extend to lands held, or stated to be held, exempt from the payment of public revenue under grants not being of the description of those termed badshahee or royal. The rules applicable to such grants are contained in Regulation XIX. 1793.

A.D. 1793. REGULATION XXXVIII.

A.

A Regulation *for re-enacting, with Modifications, such Part of the Rule passed on the 27th June 1787, as prohibits covenanted Civil Servants of the Company employed in the Administration of Justice or the Collection of the public Revenue, lending Money to Zemindars, independent Talookdars, or other actual Proprietors of Land, or dependent Talookdars, or Farmers of Land holding Farms immediately of Government, or the Under-farmers or Ryots of the several Descriptions of Proprietors and Farmers of Land abovementioned, or their respective Sureties; and for re-enacting, with alterations, the existing Rules prohibiting Europeans of any Description, holding Possession of Lands that may be mortgaged to them, or purchasing or renting Lands for erecting Houses or Buildings, for carrying on Manufactures or other Purposes, without the Sanction of the Governor General in Council:* Passed *by the Governor General in Council on the 1st May 1793 (corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree).*

I. At an early period after the establishment of the British Government in this country, the servants of the Company employed in the administration of justice and the collection of revenue, were prohibited from lending money to the landholders and farmers, and others concerned in the collection or payment of the revenue, in order to guard against the abuses that the powers with which they were invested would have enabled them to practice, had they been permitted to engage in such transactions with individuals subject to their official control and authority. This rule was incorporated with the judicial Regulations passed on the 5th July 1781, and has since continued in force. From a regard to the prejudices of the natives, and with a view to promote their ease and happiness, and to obviate the evils that would necessarily have resulted from allowing any persons, not amenable to the provincial courts of judicature in common with the natives, to purchase or rent estates without restriction or limitation, or to hold any land whatever, excepting for the erection of dwelling-houses, or buildings for manufactures, or other commercial purposes, it was likewise early made a rule, that no European should purchase or hold land out of the limits of Calcutta without the sanction of Government. This rule was included in the revenue Regulations passed on the 8th June 1787, and has since remained in force. The rules above-mentioned are hereby re-enacted with modifications.

Covenanted servants of the Company employed in the administration of justice or the collection of the revenue, prohibited lending money to proprietors or farmers of land, dependant Talookdars, under-farmers, or Ryots, or their sureties.

II. The Judges and Magistrates of the zillah and city courts, the Judges of the provincial courts of appeal and the courts of circuit, and the Registers to their respective courts, and their Assistants, or other officers being covenanted servants of the Company, and the Collectors of the revenue and their Assistants, are prohibited lending money, directly or indirectly, to any proprietor or farmer of land, or dependent Talookdar, or under-farmer or Ryot, or their sureties, and all such loans as have been made in opposition to the repeated prohibitions of Government, or which may be hereafter made, are declared not recoverable in any court of judicature.

Europeans now possessing, or who may hereafter purchase, rent, or occupy land, without the sanction of the Governor General in Council, liable to be dispossessed at his discretion.

III. No European, of whatever nation or description, shall purchase, rent, or occupy, directly or indirectly, any land out of the limits of the town of Calcutta, without the sanction of the Governor General in Council; and all persons now so holding land beyond the limits of Calcutta, without having obtained such permission, in opposition to the repeated prohibitions of Government, or who may hereafter so purchase, rent, or occupy land, shall be liable to be dispossessed of the land at the discretion of the Governor General in Council, nor shall they be entitled to any indemnification for buildings which they may have erected, or other account.

Europeans not prohibited lending money to proprietors, &c. on mortgage of the estates or leases, not to be allowed to have possession of the land, or to have any concern in the collections.

IV. Europeans who are not prohibited from lending money to proprietors or farmers of land, dependent Talookdars, under-farmers, or Ryots, and who may make loans to them on the security or mortgage of their lands or leases, shall not be allowed, directly or indirectly, to hold possession of the lands, the proprietary right in which, or lease whereof, may be mortgaged to them as security for the loan, or to make or appropriate the collections, or to have any concern or interference whatever in the management or collection of the rents or revenue of the lands.

Collector to depute an officer to measure ground, which the Governor General in Council may permit a European to hold.

Collectors to report when any Europeans may possess themselves of land without authority.

V. When a European shall be permitted by the Governor General in Council to purchase, occupy, or rent any land out of the limits of Calcutta, it shall be measured by an officer to be appointed by the Collector, and the expense attending the measurement shall be paid by the party purchasing, renting, or occupying the ground. It shall be the duty of the Collectors to report to the Board of Revenue, for the information of the Governor General in Council, every instance that may come to their knowledge in which Europeans may, directly or indirectly, purchase, occupy, or rent land without such authority.

Annual statement of lands held by Europeans to be sent by the Collectors to the Board of Revenue.

VI. Upon the receipt of this Regulation, the Collectors are to transmit a statement, specifying the names of the Europeans possessing, renting, or occupying land within their respective zillahs, the extent of the land, the purpose to which it is applied, and from what period, and under what authority it has been so possessed, occupied, or rented. The Collectors are to transmit a similar statement to the Board of Revenue annually, by the 1st of January.

A.D. 1793.

A.D. 1793. REGULATION XXXIX.

A REGULATION *for the appointment of the Cauzy-ul-cozaat, or head Cauzy of Bengal, Behar, and Orissa, and the Cauzies stationed in the several Districts, and prescribing their respective Duties:* PASSED *by the Governor General in Council on the 1st May* 1793 (*corresponding with the 21st Bysaak,* 1200 *Bengal era; the 6th Bysaak,* 1200 *Fussily; the 21st Bysaak,* 1200 *Willaity; the 6th Bysaak,* 1850 *Sumbut; and the 19th Ramzaan,* 1207 *Higeree*).

I. CAUZIES are stationed at the cities of Patna, Dacca, and Moorshedabad, and the principal towns and in the pergunnahs, for the purpose of preparing and attesting deeds of transfer and other law papers, celebrating marriages, and performing such religious duties or ceremonies prescribed by the Mahomedan law, as have been hitherto discharged by them under the British Government, and also for superintending the sale of distrained property, and paying charitable and other pensions and allowances, under Regulations XVII. and XXIV. 1793. The nature of the above-mentioned duties renders it necessary that persons of character, and duly qualified with respect to legal knowledge, should be appointed to these offices; and to encourage them to discharge their trusts with diligence and fidelity, they should not be liable to removal, unless proved to be incapable or guilty of misconduct, to the satisfaction of the Governor General in Council. The following rules have been accordingly enacted.

Head Cauzy of the three provinces to be appointed by the Governor General in Council.

Not to be removed but for incapacity or misconduct proved to the satisfaction of the Governor General in Council.

II. *First.* The Cauzy-ul-cozaat, or head Cauzy of Bengal, Behar, and Orissa, shall be appointed by the Governor General in Council, and shall not be removable from his office but for incapacity or misconduct in the discharge of his public duty, or acts of profligacy in his private conduct, proved to the satisfaction of the Governor General in Council.

Seal of the head Cauzy.

Second. The head Cauzy is to use a circular seal, two inches in diameter, on which shall be inscribed the designation of his office and his name in the Persian language, as follows:—"*The seal of the Cauzy-ul-cozaat of the provinces of Bengal, Behar, and Orissa.*" (*Name of the head Cauzy.*)

Rule in the preceding section applied to the Cauzies stationed in the interior parts of the country.

III. *First.* The Cauzies stationed in the cities, towns, or pergunnahs in the three provinces, shall not be removable from their offices, except for incapacity or misconduct in the discharge of their public duty, or acts of profligacy in their private conduct. The Cauzies so stationed are to use a circular seal, one inch and a half in diameter, on which shall be inserted the designation of their office and their name, in the Persian language, as follows:—"*The*
"*seal of the Cauzy of the city* (*town, pergunnah, or pergunnahs*) *of*............
(*Name of the Cauzy.*)

Rule in the preceding clause not to preclude the Governor General in Council from abolishing the office of Cauzy at any place where he may deem the continuance of such an officer unnecessary.

Second. The rule contained in the preceding clause is not to be construed to preclude the Governor General in Council from abolishing the office of Cauzy at any place where, from the number of cauzies stationed in the district or other cause, the continuance of such an officer may appear to him unnecessary.

Vacancies in the office of Cauzy in the interior parts of the country how to be supplied.

IV. When the office of Cauzy in any pergunnah, city, or town shall become vacant, the Judge of the zillah or city court, within whose jurisdiction the place may be situated, is immediately to report the vacancy to the Governor General in Council, and recommend such person as may appear to him best qualified for the succession from his character and legal knowledge. The name of the person so recommended is to be communicated to the head Cauzy, who, if he shall deem him unqualified for the office, either from want of legal knowledge or the badness of his private character, is to report the same in writing to the Governor General in Council, who reserves to himself the power of appointing such person to the office, or not, or of conferring it upon any other person, according as may appear to him proper. If there shall appear to the head Cauzy no objection to the appointment of the person who may be so recommended, he is to report accordingly to the Governor General in Council. The person who may be appointed to the office shall be furnished with a sunnud of appointment, under the official seal of the head Cauzy, in which the date of his appointment is to be specified.

Office of Cauzy declared not hereditary.

V. The office of Cauzy is declared not to be hereditary.

Courts of judicature to report incapacity or misconduct in the Mofussil Cauzies to the Governor General in Council.

VI. *First.* The zillah and city courts, and the provincial courts of appeal, are to report to the Governor General in Council every instance in which it may appear to them that the Cauzy of any pergunnah, city, or town, within their respective jurisdictions, is incapable, or in which it may be proved to their satisfaction that he has been guilty of negligence or misconduct in the discharge of his public duty, or of acts of profligacy in his private conduct.

Similar reports to be made by the head Cauzy.

Second. It shall likewise be the duty of the head Cauzy to report to the Governor General in Council, in writing, every instance in which it may appear to him that the Cauzy of any city, town, or pergunnah is incapable, or in which such Cauzy may have been guilty of misconduct in the discharge of his public duty, or acts of profligacy in his private conduct.

Records to be kept by the head Cauzy and the Cauzies stationed in the interior parts of the country, which are to be delivered complete to their successors.

VII. The head Cauzy, and the Cauzies stationed in the cities, pergunnahs, and towns, are to keep copies of all deeds, and law or other papers, which they may draw up or attest, and are to affix thereto their seals and signatures. They are likewise to keep a list of all such papers; and in the event of their death, resignation, or removal, the list and papers are to be delivered complete to their successors.

Rules regarding the fees of the Cauzies.

VIII. The Cauzies stationed in the cities, towns, and pergunnahs, are not to exact any fees for drawing up or attesting papers, or for the celebration of marriages, or the performance of any religious duties or ceremonies which it has been customary for them to perform; excepting such as the parties concerned may voluntarily agree to pay, as has been hitherto the practice.

Judges of the zillah and city courts to report the number of Cauzies stationed in their respective jurisdictions.

IX. Upon the receipt of this Regulation, the Judges of the zillahs and cities are to transmit to the Governor General in Council the names of the places in their respective jurisdictions in which Cauzies are stationed, the names of the Cauzies, and what number of Cauzies they deem sufficient for their respective jurisdictions. The Judges of the zillahs are to fix the residence of the Cauzies stationed in the pergunnahs in the most centrical places, in order that distrainers of property, and persons whose property may be distrained, under Regulation XVII. 1793, may have ready access to them.

Cauzies of pergunnahs to be stationed in the centre of the pergunnahs.

Judges to furnish the Cauzies with copies of the translates of all

X. The Judges in Bengal and Orissa are to furnish the Cauzies stationed in their respective jurisdictions with copies of the Persian and Bengal translates of all Regulations, printed and published in the manner directed in Regulation XLI. 1793. The Judges in Behar are to furnish the Cauzies stationed in their respective jurisdictions with the Persian translates of all such Regulations.

Regulations, published as directed by Regulation XLI. 1793.

XI. The Cauzies stationed in the several zillahs and cities are to be liable to be sued in the Dewanny Adawlut for any undue practices in the discharge of the duties prescribed to them by Regulation XVII. 1793, or any other Regulation printed and published in the manner directed in Regulation XLI. 1793.

Cauzies stationed in the zillahs and cities liable to be sued in the cases herein specified.

A.D. 1793. REGULATION XL.

A REGULATION *for granting Commissions to Natives to hear and decide civil Suits for Sums of Money or personal Property of a Value not exceeding Fifty Sicca Rupees, and prescribing Rules for the Trial of the Suits, and enforcing the Decisions which may be passed upon them:* PASSED *by the Governor General in Council on the* 1*st May* 1793 *(corresponding with the* 21*st Bysaak,* 1200 *Bengal era; the* 6*th Bysaak,* 1200 *Fussily; the* 21*st Bysaak,* 1200 *Willaity; the* 6*th Bysaak,* 1850 *Sumbut; and the* 19*th Ramzaan,* 1207 *Higeree).*

I. THERE being but one established tribunal in each zillah for the trial of causes, the parties in the most trivial suits, wherever they may reside, are often obliged to repair in person to the place at which the court is held, and to attend on it until the suit is decided. Besides the expense and inconvenience necessarily resulting to the parties themselves from quitting their employments and proceeding to a distance from their habitations, greater hardship is experienced by their witnesses, who, notwithstanding they may be uninterested in the issue of the suit, are obliged, excepting in particular cases, to attend the court in person, to the great detriment of their private affairs. In addition to these evils, the numerous petty suits filed both in the city and zillah courts occupy the greater portion of the time of the Judges, protract the decision of causes of more importance, and obstruct the general administration of justice. To relieve the courts, as far as may be practicable, from the trial of these petty suits; to afford the parties an opportunity of obtaining an adjustment of them, without subjecting themselves or their witnesses to the injurious consequences above stated, and to expedite the decision of causes of every description, the following rules have been enacted.

II. Commissions shall be granted to Mahomedans and Hindoos in the cities of Patna, Dacca, and Moorshedabad, and in the several zillahs, to try and determine suits for sums of money, or personal property, not exceeding in amount or value fifty sicca rupees.

Commissions to be granted to Mahommedans and Hindoos to determine suits for money or personal property not exceeding fifty sicca rupees.

III. *First.* The Commissioners are to be nominated by the Judges of the zillahs and cities, and approved by the Sudder Dewanny Adawlut; but no person shall be allowed to act as Commissioner until the previous sanction of that court to his nomination shall have been obtained.

Commissioners to be nominated by the Judges and approved by the Sudder Dewanny Adawlut.

Commissioners to receive sunnuds under the seal and signature of the Judge.

Second. The Commissioners shall receive sunnuds of appointment, under the seal and signature of the Judge of the zillah or city court under which they may act.

Commissioners not to be removed without sufficient cause, proved to the satisfaction of the Sudder Dewanny Adawlut.

Third. No Commissioner shall be removed from his office during the period for which his commission may be declared to be in force, without sufficient cause proved to the satisfaction of the Sudder Dewanny Adawlut.

Rules for the appointment of the city Commissioners, the duration of their commissions and their powers.

IV. *First.* The following rules are prescribed regarding the appointment of the Commissioners in the cities of Patna, Dacca, and Moorshedabad, the duration of their commissions and their powers.

Cauzies of the three cities to be nominated Commissioners.

Second. The Cauzy of each of the three cities of Patna, Dacca, and Moorshedabad, shall be nominated a Commissioner in virtue of his office, and shall attend at the cutcherry or court-house, for the trial and decision of suits, three days in each week, or as often as the Judge may direct.

Judges to nominate persons of character and ability to officiate as Commissioners.

Third. The Judges of the three cities are likewise to nominate a number of persons of acknowledged character and ability, who may be willing to undertake the trust, to officiate as Commissioners in their respective jurisdictions. The number of Commissioners of this description in each city shall be such, that the Judge may not have occasion to refer to them, respectively, more causes than they may be able to determine with promptness, and without occupying a greater portion of their time than their own affairs will admit of their appropriating to the discharge of their trust.

Causes may be referred to two or more Commissioners jointly, but in general to be referred to a single Commissioner.

Fourth. The Judges are to make it a general rule to refer causes to the Commissioners singly; but in cases in which, for special reasons, it may appear to them advisable, they are empowered to refer causes to two or more Commissioners jointly.

When the commissions of the city Commissioners are to expire.

Fifth. The Commissions of the Cauzies are to remain in force whilst they hold their offices, and those of the other city Commissioners whilst their general residence may be within the limits of the city jurisdiction, and no longer.

City Commissioners to act in the two capacities of referees and arbitrators.

Oath to be taken by the Commissioners.

Sixth. The Commissioners in the three cities are to act in the following capacities: firstly, *Referees* (Aumeens), in which capacity they shall hear and determine such suits as may be referred to them by the Dewanny Adawlut; secondly, *Arbitrators* (Salisân), in which capacity they are to hear and determine such suits as persons, whether residing within or without the limits of the city, may voluntarily submit to their decision by arbitration bonds.

Rules respecting the appointment of the zillah Commissioners, the duration of their commissions, and their powers.

V. *First.* The following rules are prescribed respecting the appointment of the Commissioners in the zillahs, the duration of their commissions, and their powers.

Rule for determining the number of zillah Commissioners.

Second. The number of Commissioners to be selected in each zillah, where local circumstances will admit, shall be such that the court may not be under the necessity of obliging a defendant, wherever he may reside, to proceed a greater distance than five coss to answer any suit that may be preferred against him.

From what descriptions of persons the Commissioners shall be selected.

Proprietors of land.

Farmers.

Third. The Commissioners shall be selected from amongst the following descriptions of persons, and the Judges are enjoined to nominate those who may be best qualified for the trust by their character and abilities. Firstly, the principal proprietors of land who have the management of their own estates. Secondly, farmers of land holding farms immediately of Government. Thirdly, Tehseeldars and Sezawuls.

Managers of the estates of disqualified landholders.

Creditable merchants, &c. in the principal towns, bazars, &c.

Altumgahdars and Jaghiredars.

Cauzy of Calcutta to be Commissioner for the zillah of the Twenty-four Pergunnahs, in virtue of his office.

Cauzies of the places at which the other zillah courts are established to be Commissioners in virtue of their offices.

Cauzies who are unqualified for the trust to be removed, and fit persons appointed in their room.

Mofussil Cauzies.

Tehseeldars or Sezawuls collecting the revenues from lands held khas, or small estates whether let in farm or held khas. Fourthly, managers appointed by the court of wards to the care of estates belonging to disqualified proprietors. Fifthly, under-farmers, or officers of credit and responsibility entrusted with the collection of the rents and revenues in estates, whether the public revenue assessed thereon be collected and paid to Government by the proprietor, or by a farmer, or by a manager on the part of the court of wards, or a Tehseeldar or Sezawul, which may be considered too extensive for the proprietor, farmer, manager, Tehseeldar, or Sezawul, to determine with promptness all the suits that might come before him. Sixthly, creditable merchants, traders, and shopkeepers, or other persons of property and acknowledged character, residing in towns, bazars, hauts, gunges, or aurungs, of sufficient extent to require the appointment of a separate Commissioner therein for the determination of suits. Seventhly, Altumgahdars and Jaghiredars, possessing extensive altumgahs or jaghires, or the persons appointed by them to manage their altumgahs or jaghires. Eighthly, the Cauzy of Calcutta shall be Commissioner for the zillah of the Twenty-four Pergunnahs in virtue of his office, and the Cauzy of the town or place in which each of the other zillah courts is established shall also be a Commissioner for the zillah in virtue of his office. These Cauzies, respectively, are to decide the suits that may be referred to them, at the cutcherry or court-house of the Judge, where they are to attend for that purpose as often as he may deem it necessary. If any of these Cauzies shall be deemed by the Judges unqualified in any respect for the duties prescribed to them, they are to inform the Sudder Dewanny Adawlut, and recommed competent persons to succeed to their offices. Ninthly, Mofussil Cauzies.

Rules respecting the duration of the commissions of the zillah Commissioners.

Fourth. The commissions of proprietors of land are to be in force no longer than they may have the management, and are responsible to Government for the public revenue assessed on their respective estates. The commissions of farmers of land holding farms immediately of Government, Tehseeldars, Sezawuls, managers, under-farmers, or Revenue officers in large estates, are to expire with the leases of the farms or the offices in virtue of which they may receive their commissions. The commissions of the Commissioners in the large towns, bazars, gunges, hauts, or aurungs, shall remain in force whilst their general residence may be within the limits of such place and no longer. The commissions of Altumgahdars and Jaghiredars shall cease on the resumption of their altumgahs or jaghires, and those of the managers of their altumgahs and jaghires on their removal from their employment. The commissions of the Cauzy of Calcutta for the Twenty-four Pergunnahs, and those of the Cauzies at the stations where the other zillah courts are established, and the Mofussil Cauzies, are to remain in force whilst they hold their respective offices, and no longer.

Sudder Dewanny Adawlut may dispense with the rules in the preceding clause.

Fifth. The Sudder Dewanny Adawlut, however, may, for special reasons, dispense with the rules contained in the preceding clause regarding the duration of commissions, in any cases in which it may appear to them advisable.

Zillah Commissioners of the description herein-mentioned to act in the distinct capacities of referees, arbitrators, and Munsiffs.

Sixth. Commissioners being proprietors of land, farmers of land holding farms immediately of Government, Tehseeldars, Sezawuls, managers, under-farmers, officers of credit and responsibility, or Altumgahdars and Jaghiredars, shall act in the two first of the three following capacities; and any of the Commissioners above described in this clause, in whose abilities and character the Judges and the Sudder Dewanny Adawlut shall repose special confidence, may be empowered to act also in the third capacity. First, *Referees* (Aumeens), in which capacity they are to hear and determine such suits as may be referred to them by the Dewanny Adawlut. Secondly, *Arbitrators* (Salisân), in which capacity they are to hear and determine such suits as persons, wherever residing, may voluntarily submit to their decision by arbitration bonds. Thirdly, *Munsiffs*, in which capacity they are empowered to receive, try, and determine, of their own authority, without any order from the Adawlut, or application thereto by the plaintiff, such suits as may be preferred to them against persons being under-renters or Ryots in the estate, farm, mohaul, jaghire, or altumgah, in virtue of which they may be vested with the office of Commissioner. But the terms under-renters and Ryots are to be considered to extend only to such persons as are *bonâ fide* under-renters and Ryots, or cultivators of land by profession, and are not to be construed to include merchants, traders, and shopkeepers, or other persons, residing in the towns and villages, who only rent or hold on pottah land attached to their dwelling-houses or for gardens. The Sudder Dewanny Adawlut, however, are empowered to extend the jurisdiction of a Munsiff to any circumjacent estates or farms, in cases in which it may appear to them advisable.

Other Commissioners to act as referees and arbitrators only.

Seventh. The Cauzy of Calcutta, the Cauzies at the stations at which the other zillah courts are established, Mofussil Cauzies, and the Commissioners in the large towns, bazars, gunges, hauts, or aurungs, are to exercise the functions of *referees* and *arbitrators* only. The Sudder Dewanny Adawlut may, however, in instances in which they may deem it advisable, empower such Cauzies and Commissioners to act as Munsiffs also, specifying in their commission the limits of their jurisdiction, and the descriptions of persons over whom their authority is to extend.

Exception.

Form of the commissions to be granted to the Commissioners.

VI. The Judges of the zillahs and cities are to grant commissions (sunnuds), under their seals and signatures, to the persons who may be appointed Commissioners, in the following form:

" I, A. B., Judge of the Dewanny Adawlut of the zillah (or city) of " ...., in virtue of the powers vested in me by Regulation XL. 1793, " appoint you .... Commissioner, with the powers of Referee (Ameen) " and Arbitrator (Salis), and (if the Commissioner be appointed Munsiff also) " Munsiff, for trying and deciding suits for sums of money or personal property " not exceeding fifty sicca rupees, which may be referred to you by the court " in your capacity of Referee (Ameen), or that may be submitted to you by " the parties by arbitration bonds in your capacity of Arbitrator (Salis), or " (if the Commissioner be a Munsiff also) that may be preferred to you in the " first instance in your capacity of Munsiff, against any individual coming " within the description of the persons subject to your jurisdiction, as described " in Clause Sixth, Section V., of the above-mentioned Regulation, and " residing in your estate, farm, jaghire, altumgah, or other lands, the rents " and revenues of which are collected by you. You are to fix up this com- " mission in the room or place in which you may try and decide the suits that " may come before you, in either of the capacities above-mentioned; and are " not, on any account, to try or decide any suit without so fixing up this

" commission, or a counterpart or copy of it, under the seal and signature of " the Judge of the zillah or city. You are to try and decide all such suits, and " to exercise the authority vested in you, agreeably to the rules prescribed in " Regulation XL. 1793, or such other Regulations as may be hereafter passed " by the Governor General in Council, and printed and published as prescribed " in Regulation XLI. 1793. You are to exercise the powers of Commissioner " herein vested in you (if the Commissioner be a Cauzy) so long only as " you may hold the office of Cauzy of........; or (if the Commissioner be a " proprietor of land) so long only as you may be the proprietor of the estate " of .... and pay the revenue assessed thereon to Government; or (if the " Commissioner be a farmer of land holding a farm immediately of Govern- " ment) so long only as you may hold the farm of ....; or (if the Com- " missioner be a Tehseeldar or Sezawul, or the manager of the estate of a " disqualified landholder) so long only as you may hold the office of Tehseeldar " or Manager of ....; or (if the Commissioner be an under-farmer, or an " officer entrusted with the collection of the rent and revenues of any estate " or land) so long only as you may hold the farm or employment of ....; " or (if the Commissioner be an Altumgahdar, Jaghiredar, or a person vested " with the management of an altumgah or jaghire) so long as you may hold " the altumgah or jaghire, or be entrusted with the management of the " altumgah or jaghire of ...."

Oath to be taken by the Commissioners.

VII. *First.* Every Commissioner, previous to entering upon the execution of the duties of his office, shall take and subscribe the following oath before the Judge of the zillah or city court in which he may be appointed to officiate, or any person whom he may commission to administer it:

" I, A. B. (designation of the Commissioner, as proprietor of........, or " farmer of ...., &c.), appointed Commissioner for trying and determining " civil suits for sums of money or personal property not exceeding in amount " or value fifty sicca rupees, solemnly swear, that I will impartially determine " the suits that may come before me for decision, in my capacity of Referee " (Aumeen), Arbitrator (Salis), and (if the Commissioner be a Munsiff) " Munsiff, according to the best of my abilities and judgment; and that I will " not directly or indirectly receive, or knowingly allow any other person to " receive, any money, effects, or property, on account of any suit that may " come before me for decision, and that I will, in all respects, truly and " faithfully execute the trust reposed in me."

Declaration to be subscribed by Commissioners who may be exempted from taking oaths.

Second. If any person who may be appointed Commissioner shall object to taking the oath, and he shall come within the description of the persons exempted from taking oaths by Section VI., Regulation IV. 1793, on account of their rank or caste, the Judge is empowered to exempt him from taking the oath, and to cause him to subscribe a written declaration to the same effect.

No person to be allowed to officiate as Commissioner until they have taken the oath or subscribed the declaration.

Third. No person shall be allowed to officiate as Commissioner until he has taken the oath, or subscribed the declaration above directed, and the oaths and declarations so subscribed are to be deposited amongst the records of the Dewanny Adawlut.

Commissioners liable to prosecution for corruption, or oppressive and unwarranted acts.

VIII. Commissioners shall be liable to prosecution in the Dewanny Adawlut for corruption in the discharge of their trust, and for any oppressive and unwarranted act of authority; and upon proof of the charge, to the satisfaction of the Judge, he shall, in the first-mentioned case, adjudge the

Punishment on conviction.

Commissioners not liable to prosecution for errors or want of form in their proceedings.

No process to be issued against a Commissioner on charges for which he is declared liable to prosecution, until the Judge shall be satisfied, by previous inquiry, that there is sufficient foundation for them.

offender to pay to the prosecutor three times the amount or value of the money or property corruptly received, with all costs of suit; and in the second, award such damages and costs to the party injured as may appear to him equitable. But no Commissioner shall be liable to be prosecuted for want of form, or for error, in his proceedings or judgment; nor shall any process whatever be issued against a Commissioner, who may be charged with corruption, or any oppressive and unwarranted act of authority, unless the Judge shall be previously satisfied, by sufficient evidence, that there is ground to believe that the charge is well founded.

Rules respecting the reference of suits to the Commissioners in their capacity of Aumeens.

IX. *First.* The following are the rules prescribed respecting suits referrible to the city and zillah Commissioners, in their capacity of referees or Aumeens.

Rules to be observed by the Judge in referring suits now depending or that may be hereafter filed.

Second. Suits for sums of money or personal property, not exceeding fifty sicca rupees in amount or value, which may be now depending in, or that may be hereafter preferred to any zillah or city court, and which the Judge may not deem it proper to try himself, or cause to be tried by his Register, under Section VI., Regulation XIII. 1793, shall be referred by him, if the suit be instituted in either of the three city courts, to one, or two, or more Commissioners, or if it be lodged in a zillah court, to the Commissioner nearest to whose place of abode the defendant may reside; unless, for special reasons, the Judge shall deem it proper to refer the suit to any other Commissioner, or to any two or more Commissioners.

Fee of four annas to be paid to the authorized Vakeel of the plaintiff.

Third. The authorized Vakeel of the plaintiff (if he shall have entertained a Vakeel) who may act for him at the time the order of reference may be issued, shall receive from the plaintiff four annas, as a fee for obtaining the order of reference to the Commissioner.

What the order for reference is to contain, and by what papers it is to be accompanied.

Fourth. The order for reference of the cause shall bear the seal of the court and the signature of the Judge, and shall specify the number of the cause as it stands on the register of the court, the names of the parties, the amount or value of the money or property sued for, the date of the reference according to the English era, with the corresponding date of the Bengal, Fussily, or Willaity era (according to the province in which the court making the reference may be established), the date by which the plaintiff and defendant, in person or by Vakeel, and also any witnesses of either of the parties, if any witnesses shall have been named, are to appear before the Commissioner, and shall be accompanied by a copy of the petition of complaint, and by such original exhibits as may have been filed in the cause.

Parties may appoint any persons they may think proper to act as their Vakeels before the Commissioners.

Fifth. The plaintiff and defendant shall be at liberty to appoint any persons whom they may think proper to act as their Vakeel before the Commissioner, furnishing them with a vakalutnamah under their seals and signatures, and attested by two credible witnesses.

Usual security to be taken from defendants in causes to be tried.

Sixth. The court is to cause the same security to be taken from the defendant to appear in person or by a Vakeel before the Commissioners by the limited time, as he would be required to give for his appearance were he to be tried before the court.

Commissioner to dismiss the plaintiff's claim in the event of his not appearing by the limited time.

Seventh. If the plaintiff shall not appear before the Commissioner in person or by a Vakeel duly authorized, by the limited time, the Commissioner shall dismiss his claim.

Commissioner to try the cause *ex parte* if the defendant shall not appear.

Eighth. If the defendant shall not so appear by the prescribed time, the Commissioner shall proceed to try the cause *ex parte.*

Ninth. In the event, however, of the dismission of the suit under Clause Seventh, or of its being tried *ex parte* under Clause Eighth, the Judge, in the first case, may order his Register or the Commissioner to try the merits, or try them himself; and, in the second, direct the cause to be tried *de novo*, either by the Register or by the Commissioner, or try it himself, provided the plaintiff in the former case, and the defendant in the latter, shall show to him satisfactory cause for not having appeared before the Commissioner by the prescribed time.

Discretionary power vested in the Judge in the cases specified in the two preceding clauses.

Tenth. If the plaintiff or defendant shall be desirous of summoning any witnesses to appear before the Commissioner, and the witnesses shall not attend at the requisition of the parties, the court, on application from the Commissioner or either of the parties or their Vakeels, shall cause them to appear before the Commissioner, or direct their depositions to be taken before the court, or any Commissioner near to whom they may reside. Commissioners, however, acting as Munsiffs as well as referees, may order any persons declared subject to their jurisdiction in that capacity by Clause Sixth, Section V., to attend as witnesses; and in the event of their not obeying the summons, to attach any personal property belonging to them, not exceeding the amount or value of the money or property sued for, until they appear as required.

How the depositions of witnesses in causes referred to the Commissioners are to be procured.

Commissioners may enforce attendance of witnesses subject to their jurisdiction in their capacity of Munsiffs.

Eleventh. The Commissioners are to try the suits referred to them, by hearing the pleadings of the parties, examining their documents, and taking the depositions of the witnesses in the presence of the parties or their Vakeels duly constituted; and in all other respects, they are to consider the principles laid down in the Regulations prescribed to the zillah and city courts for trying and deciding suits as the general rule for their guidance, as far as circumstances may admit, and as may be consistent with the expeditious determination of the suits.

How the Commissioners are to conduct the trial of the suits.

Twelfth. The Commissioner is to decree such costs and damages against the party cast as may appear to him equitable; and if any claim shall appear to him litigious and vexatious, he is invariably to decree suitable costs and damages against the plaintiff.

Costs and damages to be decreed against the party cast.

Suitable costs and damages to be invariably given in litigious cases.

Thirteenth. If either of the parties or their Vakeels, or the witnesses in any suit, shall be guilty of disrespectful behaviour to a Commissioner whilst in attendance upon him for the trial of the suit, or if any witness duly summoned shall refuse to give his testimony, the Commissioner is empowered to impose such fine on the party, Vakeel, or witness, so offending, as may appear to him proper on a consideration of the case, and the situation and circumstances in life of the offender, and the fine shall be levied in the same manner as decrees of the Commissioners are hereafter directed to be enforced.

Commissioners may fine parties, Vakeels or witnesses for disrespectful behaviour, and the latter for refusing to give their testimony.

Fourteenth. The Commissioners are to deliver a copy of their decisions to the plaintiff and to the defendant, or their respective Vakeels, within three days after the day on which the decision may be passed. If the plaintiff or defendant, or their respective Vakeels, shall omit to attend to receive a copy of the decision within the prescribed time, or shall refuse to take a copy of it when tendered, the Commissioner shall endorse a note of such refusal or omission on the back of the copy of the decision which he is hereafter required to forward to the court.

Commissioners to deliver copies of their decisions to the plaintiff and defendant, or their Vakeels.

Rules to be observed by the Commissioners in the event of the parties omitting or refusing to take a copy of the decree.

Fifteenth. No cause shall be referred to or tried by a Commissioner, in which he, or any of his immediate servants, may be a party or in any wise interested.

Commissioners to try the suits themselves, and not to allow any persons to interfere.

Sixteenth. The Commissioners are to try and determine all suits themselves, and are not to allow their officers, servants, or dependants, or any other persons, to interfere therein.

Rules respecting Commissioners in their capacity of arbitrators.

X. *First.* The following rules are prescribed to Commissioners in their capacity of arbitrators (Salisân).

All persons may submit suits to the arbitration of the Commissioners without previous application to the court.

Second. Persons, wherever they may reside, are at liberty to refer suits to any Commissioner without any previous application to the court, upon executing and delivering to him an arbitration bond, under their signatures attested by two creditable witnesses, appointing him arbitrator in the cause, and agreeing to abide by his decision and to make it a decree of the court.

Decisions of the Commissioners as arbitrators not to be set aside but for corruption or partiality.

Third. Decisions passed by the Commissioners in their capacity of arbitrators, shall not be set aside or altered by the court, but for corruption or partiality, proved to the full satisfacton of the court by the oaths of two creditable witnesses.

How the Commissioners are to proceed in the event of the parties not attending for the trial of the suit.

Rule for the conduct of the Judge in such cases.

Fourth. If the parties, after having executed the arbitration bonds, shall not appear before the Commissioner at such time or times as he may prescribe, he shall proceed as directed with regard to the suits specified in Clauses Seventh and Eighth, Section IX., and the discretionary powers vested in the Judge in Clause Ninth of that Section are declared to extend to the suits that may be dismissed or tried *ex parte* by the Commissioners under this clause.

Rules in the clauses herein mentioned of Section X. applicable to suits submitted to the Commissioners in their capacity of arbitrators.

Fifth. The rules contained in Clauses Fifth, Tenth, Eleventh, Thirteenth, Fourteenth, and Sixteenth, of Section IX., regarding suits referred to the Commissioners in their capacity of referees, are to be considered applicable to suits submitted to them in their capacity of arbitrators.

This Regulation not to preclude the court from constituting the Commissioners arbitrators, under Section III., Regulation XVI. 1793.

Sixth. No part of this Regulation is to be construed to prevent the Judges appointing any Commissioner arbitrator in the causes specified in Section III., Regulation XVI. 1793.

Rules applicable to suits referred to the Commissioners as Munsiffs.

XI. *First.* The following rules are prescribed respecting suits referrible to Commissioners in their capacity of Munsiffs.

Commissioners how to procure the appearance of the defendant and to proceed in case of his not appearing when summoned.

Second. When a suit is preferred to a Commissioner, in his capacity of Munsiff, against an individual subject to his jurisdiction in that capacity, as specified in Clause Sixth, Section V., he shall require the defendant to appear and answer to the complaint on a certain day, by a writing to that effect, which shall also specify the nature of the claim, and require the defendant to give personal security for his appearance. If the defendant shall refuse to give security, the Commissioner is empowered to attach any personal property belonging to him, not exceeding the amount or value of the money or thing sued for, until he shall give the required security; and in the event of his not giving security before the decision of the suit, and of the decree being passed against him, to hold the property in attachment, and to deliver it to the officer of the court to be sold in satisfaction of the decree, unless the defendant shall previously discharge the amount of it.

Commissioners prohibited summoning in any capacity women who are not allowed to appear in public according to the laws and customs of the country.

Third. But the Commissioners, in their capacity of Munsiffs, shall on no account summon any woman to appear before them, either as a party or witness in a cause, if her rank or caste shall be such as to render it improper, according to the customs and usages of the country, to require her to appear in public.

Rules in the clauses herein mentioned of Section IX. to be considered applicable to suits coming before the

XII. The rules contained in Clauses Fifth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, and Fifteenth, of Section IX., regarding suits referred to the Commissioners in their capacity of referees, are to be considered equally applicable to suits which may come before them in their capacity of Munsiffs.

Commissioners in their capacity of Munsiffs.

Commissioners prohibited confining or punishing parties, Vakeels, or witnesses, in any manner whatever.

Exception with regard to parties, Vakeel, or witnesses, guilty of disrespectful behaviour, and the latter refusing to give their testimony.

XIII. No Commissioner, either in his capacity of referee, arbitrator, or Munsiff, shall confine a party, Vakeel, or witness, in any suit which may come before him, or inflict on them any punishment whatever; excepting imposing fines on parties, Vakeels, or witnesses, for disrespectful behaviour, and on the latter refusing to give their testimony, as above authorized.

Commissioners not to enforce their own decisions.

Penalty for breach of this rule.

XIV. The decisions passed by the Commissioners in their capacities of referees, arbitrators, or Munsiffs, shall be enforced by the court of Dewanny Adawlut, and no Commissioner, in either of those capacities, shall enforce his own decision in any case whatever; and any Commissioner who shall issue any process, or use any coercive means for enforcing his own decision, shall, upon conviction of the act before the Dewanny Adawlut of the zillah or city under which he may officiate, be adjudged to pay to the person against whom such process or coercive means may be issued or used, a sum equal to twice the amount of the decree, with all costs that may be incurred by him in carrying on the prosecution in the Dewanny Adawlut.

Monthly reports to be transmitted by the Commissioners to the Judge to enable him to enforce their decisions.

XV. To enable the zillah and city courts to enforce the decisions that may be passed by the Commissioners in their capacity of referees, arbitrators, or Munsiffs, the Commissioners shall, on the fifth of every month, transmit to the Judge the three following reports of the suits decided by them in the preceding month. These reports are invariably to be accompanied by all the *original* papers and documents in each cause, and the razenamahs in those causes in which the parties cast may have abided by and satisfied the decisions, that they may be deposited amongst the records of the court, and be referred to in the event of an appeal being lodged from any of the decisions. Upon the receipt of these reports, the court shall enforce the decisions which may not have been satisfied, unless appealed against within the time hereafter limited.

Report *of Causes decided by A. B., Proprietor of...... (or other Designation), Commissioner, in his Capacity of Referee (*Aumeen*), in the month of......* 1793, *English Era, corresponding with the* 1200 *Bengal (Fussily or Willaity) Era.*

Number of the Cause on the Register of the Court.	Names of the Parties.	Amount or Value of the Money or Property sued for.	Decree.	Date of Reference according to the English and local Era.	Date of the Decree.
200	Ram Doss *versus* Sheeb Chund.	Forty rupees on bond with interest.	Decreed forty rupees principal, and ten rupees interest, and five rupees costs to plaintiff.	10th Jan. or Maug, 1200.	1st Chyte.
400.	Mohummed Aukil *versus* Ramzaam.	Ten rupees, balance of Rent of Land.	Dismissed with one rupee costs to defendant, the claim not being established.	11th Jan. or Maug.	5th Chyte.
450	Ram Chund *versus* Netai.	Twenty-four rupees, price of two bullocks.	Dismissed, parties having executed a razenamah.	12th Jan. or Maug.	6th Chyte.

REPORT *of Causes decided by A. B., Proprietor of .... (or other Designation) Commissioner, in his Capacity of Arbitrator (Salis), in the Month of .... 1793, English Era, corresponding with the 1200 Bengal (Fussily or Willaity) Era.*

Names of the Parties.	Substance of the Cause.	Date of the Arbitration Bonds of the Parties.	Decision.	Date of the Decision.
Mohummed Aukil, *versus* Ram Churn.	Twenty-four rupees, balance of an account of rent on lands.	20th Maug.	Awarded twenty-two rupees to plaintiff.	10th Phaugun.

REPORT *of the Causes decided by A. B., Proprietor of .... (or other Designation of the Commissioner), in his Capacity of Munsiff, in the Month of .... 1793, English Era, corresponding with the .... 1200 Bengal (Fussily or Willaity) Era.*

Names of the Parties.	Substance of the Suit.	The Decision.	Date on which the Suit was preferred.	Date of the Decision.
Ram Churn *versus* Radanauth.	Twenty rupees on Bond with interest.	Decreed twenty rupees principal in favour of the plaintiff, and five rupees interest and one rupee costs. Total 26 rupees.	1st Maug.	10th Maug.

Decisions of Commissioners as referees to be inserted in the monthly abstract register of causes decided.

Causes decided by the Commissioners as arbitrators and Munsiffs, to be brought on the monthly abstract register.

XVI. The decisions passed by the Commissioners in their capacity of referees, are to be brought on the monthly abstract register of causes decided, which the courts are required to transmit to the provincial courts of appeal and Sudder Dewanny Adawlut, by Section XI, Regulation XVIII, 1793. The causes which may be decided by the Commissioners in their capacity of arbitrators and Munsiffs, shall also be brought on the monthly abstract register.

Quarterly reports of causes undecided to be sent to the Commissioners.

XVII. The Commissioners shall likewise be required to transmit on the last day of the third, sixth, ninth, and twelfth month of the Bengal, Fussily, or Willaity year (according to the era current in the province), reports of the causes depending before them, in their respective capacities of referees, arbitrators, and Munsiffs, drawn out in the following form:

REPORT *of Causes before A. B., Proprietor of .... (or other Designation of the Commissioner), in his Capacity of Referee, remaining undecided on the ...... Bengal (Fussily or Willaity) Era.*

Number of the Cause on the Register of the Court.	Names of the Parties.	Substance of the Suit.	Date of Reference.	Remarks explanatory of the Cause of the Suit not having been decided.
300	Ram Churn *versus* Gunga Bishun.	Ten rupees on bond with interest.	10th January 1793, or Maug.	

REPORT *of Causes before A. B., Proprietor of .... (or other Designation of the Commissioner), in his Capacity of Arbitrator, on the .... Bengal (Fussily or Willaity) Era.*

Names of the Parties.	Substance of the Suit.	Date of the Execution of the Arbitration Bonds.	Remarks explanatory of the Cause of the Suit remaining undecided.
Bishenaut *versus* Akber Ally.	Thirty rupees, balance of accounts.	10th Maug.	

REPORT *of Causes before A. B., Proprietor of .... (or other Designation of the Commissioner), in his Capacity of Munsiff, remaining undecided on the ...... Bengal (Fussily or Willaity) Era.*

Names of the Parties.	Substance of the Suit.	Date on which it was preferred.	Remarks explanatory of the Cause of the Suit remaining undecided.
Peer Mahomed *versus* Ramdulell.	Forty rupees on bond.	14th Maug.	

By what conveyance the Commissioners are to transmit their monthly and quarterly reports.

XVIII. The required monthly and quarterly reports shall be enclosed in a cover addressed to the Judge, and sealed with the seal of the Commissioner. The packet shall be forwarded to the Judge either by the public dawk, the officers of which are hereby required to receive and convey such packets free of postage, or by a servant of the Commissioner; or the Commissioner may deliver it to the nearest police Darogah, who shall give a receipt for it, and convey it to the Judge with the monthly report which he is required to transmit to him in his capacity of Magistrate, by Section XXI., Regulation XXII. 1793.

Causes decided by the Commissioners, and depending before them in their capacity of re-

XIX. The Judges of the zillahs and cities are to distinguish in their monthly abstract register of causes decided, the suits which may have been determined by ferees, to be distinguished in the monthly abstract registers and half-yearly reports.

by the Commissioners; and in their half-yearly reports of causes undecided, they are to distinguish the causes depending before the Commissioners in their capacity of referees.

An appeal to lie to the Judge for all decisions passed by the Commissioners, provided the petition of appeal be presented within thirty days after the date of the decree.

Discretionary power vested in the Judge of admitting appeals after the limited time.

XX. Any person dissatisfied with the decision of a Commissioner, either in his capacity of referee, arbitrator, or Munsiff, shall be at liberty to appeal from it to the Judge of the Dewanny Adawlut of the zillah or city under which the Commissioner may officiate, provided the petition of appeal be presented within thirty days after the date of the decision, a copy of which the appellant is required to present with the petition of appeal. A discretionary power, however, is vested in the Judge of admitting appeals from decisions of the Commissioners, although the petitions may be presented after the prescribed period, if the Appellant shall shew satisfactory cause to him for not having presented the petition within the limited time.

Petitions of appeal to be presented to the court of Dewanny Adawlut.

Commissioners prohibited receiving petitions of appeal.

XXI. All petitions of appeal from decisions of the Commissioners are to be presented to the court of Dewanny Adawlut of the zillah or city under which the Commissioners may officiate, and the Commissioners are prohibited from receiving any petitions of appeal from their own decisions.

Petitions of appeal to be presented by the appellant in person, or by an authorized Vakeel.

Fees to be allowed to the authorized Vakeels.

XXII. All petitions of appeal from decisions of the Commissioners are to be presented by the appellant in person, or one of the authorized Vakeels of the court, and if the appeal shall be admitted, and the appellant and respondent shall not plead their cause in person, their respective Vakeels are to be allowed the same fees as in suits tried before the Judge, as prescribed in Regulation VII. 1793. If a petition of appeal so presented through an authorized Vakeel shall be rejected, the Vakeel shall be entitled to a fee of four annas.

Decisions of the Commissioners not to be set aside but on the merits.

XXIII. Decisions of the Commissioners are not to be set aside for want of form or irregularity in their proceedings, but on the merits only.

Cases in which the Judges may suspend the execution of the decision of a Commissioner, in the event of the admission of an appeal from it.

XXIV. In case of an appeal being received from the decision of a Commissioner, the Judge is empowered to suspend the execution of the decree, provided the party appealing against it shall give good and sufficient security, on or before the next court day after the day on which the appeal may be presented, to perform the decree of the court.

Judges may order causes depending before the Commissioners, as referees, or Munsiffs, to be brought up for trial before them or their Registers.

XXV. The zillah and city courts may, for any reason that may appear to them sufficient, bring up for trial before them or their Registers, any causes that may be depending before the Commissioners.

Judges to proceed to select Commissioners on the receipt of this Regulation;

and when approved by the Sudder Dewanny Adawlut, to refer to them the suits depending in their courts, not exceeding fifty sicca rupees, with the exceptions herein specified.

XXVI. Upon the receipt of this Regulation, the Judges of the several zillahs and cities are to proceed to select the Commissioners; and upon the persons nominated by them being approved by the Sudder Dewanny Adawlut, they shall refer to them for trial all suits now depending in their respective courts for sums of money or personal property not exceeding fifty sicca rupees in amount or value, which they may not deem it proper to try themselves or to refer to their Registers for trial.

Rules to be observed by the Judge on the office of Commissioner becoming vacant.

XXVII. Upon the death, removal, resignation, or the expiration of the commission of any Commissioner, the Judge shall, if necessary, immediately nominate another Commissioner in his room for the approbation of the Sudder

Dewanny Adawlut, and cause all the papers in the causes depending before the late Commissioner to be delivered over to his successor, or otherwise disposed of as circumstances may require.

A.D. 1793. REGULATION XLI.

A REGULATION *for forming into a regular Code all Regulations that may be enacted for the internal Government of the British Territories in Bengal:* PASSED *by the Governor General in Council on the* 1*st May* 1793 (*corresponding with the* 21*st Bysaak,* 1200 *Bengal era; the* 6*th Bysaak,* 1200 *Fussily; the* 21*st Bysaak,* 1200 *Willaity; the* 6*th Bysaak,* 1850 *Sumbut; and the* 19*th Ramzaan,* 1207 *Higeree*).

I. IT is essential to the future prosperity of the British territories in Bengal, that all Regulations which may be passed by Government, affecting in any respect the rights, persons, or property of their subjects, should be formed into a regular code, and printed with translations in the country languages; that the grounds on which each Regulation may be enacted should be prefixed to it, and that the courts of justice should be bound to regulate their decisions by the rules and ordinances which those Regulations may contain. A code of Regulations, framed upon the above principles, will enable individuals to render themselves acquainted with the laws upon which the security of the many inestimable privileges and immunities granted to them by the British Government depends, and the mode of obtaining speedy redress against every infringement of them; the courts of justice will be able to apply the Regulations according to their true intent and import; future administrations will have the means of judging how far Regulations have been productive of the desired effect, and when necessary, to modify or alter them as from experience may be found advisable; new Regulations will not be made, nor those which may exist be repealed, without due deliberation; and the causes of the future decline or prosperity of these provinces will always be traceable in the code to their source. The Governor General in Council has accordingly enacted as follows:

Rules and orders affecting the rights, persons, or property of the people, to be formed into Regulations in the Judicial department, and printed and published as hereafter directed.

II. Every rule or order that may be passed by the Governor General in Council regarding the administration of justice, the imposition or levying of taxes or of duties on commerce, the collection of the public revenue assessed upon the lands, the rights and tenures of the proprietors and cultivators of the soil, the provision of the Company's investment, the manufacture of salt or opium, and generally all Regulations affecting in any respect the rights, persons, or property of the natives, or any individuals who may be amenable to the provincial courts of judicature, shall be recorded in the Judicial department, and there framed into a Regulation, and printed and published as hereafter directed.

Regulations to be numbered.

First Regulation passed in each year to be numbered one, and the subsequent Regulations in their order.

III. The Regulations passed annually shall be numbered. The first Regulation enacted in each year shall be numbered one, and all subsequent Regulations according to the order in which they may be passed. The number of each

Number of each Regulation, and the year in which it may be passed, to be inserted at the top of the page.

Regulation, and the year in which it may be enacted, is to be inserted at the top of every page as in this Regulation.

A title to be prefixed to every Regulation.

IV. Every Regulation shall have a title expressing the subject of it as concisely as possible, similar to the title prefixed to this Regulation.

Regulations to have a preamble stating the grounds of their enaction.

V. *First.* There shall be a preamble to every Regulation stating the reasons for the enaction of it.

Reasons for repealing or modifying former Regulations to be detailed in the preamble.

Second. If any Regulation shall repeal or modify a former Regulation, the reasons for such repeal or modification are to be detailed in the preamble.

Regulations to be divided into sections and numbered.

Preamble to be the first section.

Sections may be divided into clauses.

VI. Every Regulation is to be divided into sections. Each section shall be numbered according to the order in which it may occur. The preamble is to be considered as the first section. The sections, where necessary, may be divided into clauses; in which case each clause is to be numbered in the same manner as the clauses in Section V. of this Regulation.

References to clauses, sections, or Regulations, how to be made.

VII. In framing a Regulation, if there shall be occasion to refer to any clause or section of a Regulation or any Regulation at large; as, for example, the second clause of the fifth section, or the fifth section of this Regulation, or this Regulation generally; the reference, in each case, shall be expressed in the following manner: Clause Second, Section V., Regulation XLI. 1793. Section V., Regulation XLI. 1793. Regulation XLI. 1793.

Subject of clauses and sections to be inserted in a marginal note.

VIII. The subject of every section and clause shall be inserted opposite to it in the margin as concisely as possible.

Size of the paper on which Regulations are to be printed.

IX. Every Regulation is to be printed on paper of the same size as the paper on which this Regulation is printed.

Index to the Regulations passed annually to be prepared.

X. At the expiration of each year a copious index to the Regulations passed during the course of it shall be prepared and bound up with them.

Superintendent of the press to retain one hundred copies of the Regulations and the translates.

To bind up such copies and translates with the index.

Remaining copies how to be disposed of.

XI. The Superintendent of the Company's press is to retain in his office one hundred copies of each of the Regulations that may be passed and printed annually, and the same number of copies of the translates of them in the Persian and the Bengal language. At the close of the year, after he has been furnished with the index ordered to be prepared in the preceding section, he shall bind up the English printed copies of the Regulations, and the Persian and the Bengal translates, each in separate volumes. The remainder of the English copies of the Regulations, and the Persian and Bengal translates, are to be distributed, as they are passed and printed, in such proportions as the Governor General in Council may direct, amongst the courts of justice, the Boards of Revenue and Trade, the Collectors of the Land Revenue and the Customs, and the Commercial Residents and Salt Agents, or other public officers, or any individuals to whom it may be thought advisable to deliver copies.

Ten of the English copies of the Regulations, bound up with the index, to be sent to the Court of Directors annually.

Remaining ninety copies how to be disposed of.

XII. Ten of the English copies of the Regulations passed annually, bound up with the index as directed in Section XI, shall be transmitted to the Honourable Court of Directors by the two first ships that may be despatched for England after the volumes are completed. Five copies are to be sent in each of the two ships. The remainder of the one hundred copies shall be distributed, in such proportions as the Governor General in Council may direct, to the courts of justice, the Boards of Revenue and Trade, the Collectors of the Revenue, the Commercial Residents, and Salt Agents, or other public officers.

XIII. The civil and criminal courts of justice are to be guided in their proceedings and decisions by the Regulations which may be framed and transmitted to them as above directed, and by no other.

Courts of justice to be guided in their proceedings and decisions by the Regulations.

XIV. In the English drafts of Regulations, the same designations and terms are to be applied to the same descriptions of persons and things, in order that rights, property, tenures, privileges, deeds, courts, process, offices, officers, and generally all persons and things, may be uniformly described by the same designations and terms throughout the judicial code.

Persons and things to be described by the same designations and terms throughout the judicial code.

XV. Every Regulation with the marginal notes shall be translated into the Persian and Bengal languages by the Persian Translator to the Government, or such other person as the Governor General in Council may expressly appoint for that purpose. The number of the Regulation and the year in which it may be passed, and the numbers of the sections and clauses, shall be inserted in the translates, in the same manner as in the English drafts of the Regulations.

Regulations, with marginal notes, to be translated into the Persian and Bengal languages.

Number of the Regulation, and the year in which it may be passed, to be inserted in the translate, and the clauses and sections to be numbered as in the English draft.

XVI. The translator is to be particularly careful to preserve in the translates the same uniformity in the designations and terms applied to persons and things, as is directed with regard to the English code in Section XIV. Whenever he shall have occasion to insert the designation or name of any person or thing that he may have reason to believe may not be intelligible to the natives in general, and which may not have been used and explained in the translates of any former Regulation, he shall, in the first passage in which such word or term may occur, subjoin an explanation of it, that upon its recurring no doubt may be entertained as to its true meaning and import.

Uniformity in designations and terms applied to persons and things to be carefully preserved in the translates.

All designations and terms not before used to be explained in the translates.

XVII. It shall be the duty of the translator to revise the proof sheets of the printed translates, and to correct all errors of the press.

Translator to correct errors of the press in the printed translates.

XVIII. The translator is to translate the Regulations into plain and easy language, and in all possible cases to rejects words not in common use. As far as may be consistent with the preservation of the true meaning and spirit of the Regulations, he shall adopt the idiom of the native languages, instead of giving a close verbal translation of the English drafts, which must necessarily render the translates obscure, and often unintelligible to the natives.

Translations to be made in plain and easy language,

and the idiom of the languages to be adopted.

XIX. One part of a Regulation is to be construed by another, so that the whole may stand.

One part of a Regulation to be construed by another.

XX. If any Regulation shall be passed differing from a former Regulation, either wholly or partially, the new Regulation is to be considered as a virtual repeal of the old one as far as it may differ from the latter; provided that the new Regulation be couched in negative terms, or by its matter necessarily imply a negative.

Rules for construing new Regulations differing wholly or partially from former Regulations.

XXI. If a Regulation that rescinds another Regulation is itself afterwards rescinded, the original Regulation is to be considered as revived, without any formal declaration to that purpose.

Repealed Regulation revived by the rescinding of the repealing Regulation.

A.D. 1793.

A. D. 1793. REGULATION XLII.

A REGULATION *for re-enacting, with Modifications, the existing Rules for the Collection of the Government and Calcutta Customs:* PASSED *by the Governor-General in Council on the 1st May 1793 (corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree).*

I. THE following are the rules prescribed for the collection of the Government and Calcutta customs.

No duties or tolls to be collected on goods transported from one place to another within the limits of the provinces, unless brought into Calcutta.

II. Merchants and other persons are at liberty to transport goods from one place to another within the limits of the provinces of Bengal, Behar, and Orissa, free of all duties and tolls whatever. From this rule, however, are excepted goods imported into the town of Calcutta, which are to pay the duties hereafter specified. The goods subject to the payment of the Government and Calcutta customs, and the rules under which they are to be levied, are as follow.

Government Customs.

Custom-house established at Manjee to collect the Government import and export customs.

III. *First.* A custom-house is established at Manjee, near the conflux of the rivers Ganges and Gogra, for collecting the Government customs on goods exported from the Company's provinces, and imported into them, under the rules hereafter prescribed.

Duties to be levied by a Collector.

Second. The duties are to be levied by a Collector, who is to be styled, "Collector of the Government Customs at Manjee." Previous to entering upon the execution of the duties of his office, he shall take and subscribe the following oath before the Governor General in Council, or any person whom he may commission to administer it:

Oath of the Collector.

"I, A. B., solemnly swear, that I will diligently and faithfully execute the " office of Collector of the Government Customs at Manjee; that I will not " directly or indirectly be concerned, or knowingly allow any other person to " be concerned, in making any collections but such as are authorized by and " brought to the credit of Government; that I will not directly or indirectly " accept, nor knowingly allow any other person to accept, any fee, present, " gratuity or reward, on account of the execution of the duties of, or any " matter relating to my office; that I will not be concerned directly or " indirectly in the purchase of any goods or commodities in the British do" minions in Bengal for the purpose of remitting money to Europe, nor in " any commercial transactions; and that I will not directly or indirectly " derive any advantage or emolument from my station, excepting such as the " orders of Government do or may authorize me to receive: So help me " God."

Imports having paid duty at Manjee not to be subject to any further duty in the provinces, unless imported into Calcutta.

IV. Goods imported into the Company's provinces from the dominions of the Nabob of Oude, or any countries beyond the Caramnassa, after paying the prescribed duty at Manjee, shall pass duty free to any part of Bengal, Behar, and Orissa, unless imported into Calcutta, in which case they will be charged with the Calcutta customs.

Exports to pay two and a half per cent. on their valuation in the book of rates.

V. Goods imported from the Company's provinces are to pay an export duty of two and a half per cent. on the valuation specified in the book of rates, which is to be open for public inspection at the custom-house.

Goods imported from Benares to pay a duty of two and a half per cent. on the valuation in the Benares rowannah.

VI. Goods imported by the way of Benares, accompanied with a rowannah taken out at any of the custom-houses in that zemindarry, agreeably to the regulations in force therein, are to pay an import custom of two and a half per cent. on the valuation specified in the Benares rowannahs.

Customs to be paid on goods imported, and not passing through the dominions of the Vizier.

VII. Goods imported into the Company's provinces from the dominions of His Excellency the Nawaub Vizier, or from any other foreign country, without passing through the district of Benares, are for the present to pay an import duty of two and a half per cent. on the valuation specified in the book of rates.

When imports or exports of goods are to pay the duties.

Penalty for breach of this rule.

VIII. Merchants importing or exporting goods into or from the Company's provinces, are to pay the customs before their boats arrive opposite to the custom-house. Boats loaded with goods stopped in the attempt of passing the custom-house of Manjee, without having previously paid the duties and taken out a rowannah, shall be subject to double duties.

Chokey established at Chousah, and between Manjee and Patna, for the purposes herein specified.

IX. A chokey is established at Chousah, on the confines of the province of Behar, the officers of which are to stop boats loaded with goods attempting to pass beyond the limits of the Company's provinces, without having previously paid the export duty and taken out the prescribed rowannah. A chokey is also established between Manjee and Patna, to stop boats loaded with goods which may have entered the Company's provinces without having previously paid the import duty and taken out the prescribed rowannah.

Officers of the chokies in Section IX. how to proceed with goods which they may stop.

X. The officers at the chokies specified in Section IX. are to despatch without delay the boats which they may stop, under the authority vested in them by that section, to the Collector at Manjee, who will confiscate the goods, after obtaining through the Board of Trade the sanction of the Governor General in Council for that purpose.

Penalty for persons applying for goods different from those which they may intend to transport.

XI. To deter persons applying for rowannahs from giving in the names of goods different in kind, or inferior in quality to those which they may intend to transport, the Collector is authorized, either upon suspicion or information, to stop any goods passing his station, and to examine any part of them in the public cutcherry; and should any such fraud appear to have been committed, he is to detain the goods, and transmit the necessary proofs of the fact to the Board of Trade, to whom the Governor General in Council will give orders for the confiscation of them. Where entries shall be made of a less quantity of goods than what may be imported or exported, double duties shall be levied on the whole quantity, including the deficiency.

Double duties to be paid on short entries.

Boat not to be detained longer than one day for examination.

XII. No boat is to be detained for examination longer than one day.

Hours of business.

Rowannahs applied for by what time to be delivered.

XIII. The custom-house is to be open for the transaction of business every day, Sunday excepted, from nine o'clock in the morning until three in the afternoon; and rowannahs applied for on any day before twelve o'clock, shall be made out and delivered not later than the following day.

By whom the rowannahs are to be sealed, signed, and delivered.

XIV. The rowannahs, as at present, are to be sealed and signed by the Collector, the Darogah, the Mushriff or accountant, and the Tavildar or cash-keeper, the latter of whom will deliver the rowannah upon the duties being paid.

No collections whatever to be made besides the established customs.

XV. No collections whatever, either as fees or on any other account, are to be levied by the Collector or any of his officers, on goods imported or exported to or from the Company's provinces, excepting the duties authorized in the preceding sections.

Penalty for officers guilty of a breach of the rule in the preceding section.

Fine how to be levied.

XVI. Any native officer proved guilty of a breach of the rule in Section XV., to the satisfaction of the Board of Trade, shall be dismissed from his employment, and shall be subject, in addition to the repayment of the amount exacted, to such fine as that Board may think it proper to impose, provided the amount shall not exceed his salary for six months. When the Board of Trade shall impose a fine upon any such officer, they shall send a copy of their resolution, which shall specify the amount of the fine and the sum to be refunded, attested by their Secretary, to the Collector, who shall present it through the Vakeel of Government to the zillah or city court to which the offender may be amenable, and the Judge, upon the receipt of the resolution, shall levy the amount of the exaction and the fine from the offender, by the same process as is prescribed for enforcing decrees of the court.

Collector empowered to propose rules.

XVII. The Collector of Government Customs is empowered to propose occasionally to the Board of Trade, for the consideration of the Governor General in Council, such further rules as may appear to him calculated to facilitate the collection of the duties and promote the increase of trade.

Book of rates to be open at the custom-house for public inspection.

XVIII. The book of rates, according to the valuations in which the duties on the imports and exports are to be collected, is to lie open for public inspection at the custom-house. The Collector is to propose to the Board of Trade, for the consideration of the Governor General in Council, such alterations in the rates as may occasionally appear to him proper.

Register to be kept of imports and exports.

XIX. A register of all rowannahs granted for goods imported into or exported from the Company's provinces, is to be kept at the custom-house, according to such form as the Board of Trade may think it proper to prescribe, and a copy of the register is to be forwarded to them at such periods as they may direct.

Rules and book of rates to be translated into the country languages.

XX. The rules in the preceding sections, as well as all other rules that may be hereafter enacted, and the book of rates, are to be translated into the Persian and Bengal languages, and into the Hindostanee language written in the Nageree character, and are to lie open at the custom-house for public inspection during the hours fixed for the transaction of business.

Calcutta Customs.

Calcutta customs.

XXI. *First.* A custom-house is established at Calcutta for the collection of the Calcutta customs on goods imported into the town, either by sea or land, under the rules hereafter prescribed.

To be levied by an officer, to be styled "Custom-master of Calcutta," who is to take an oath.

Second. The duties are to be levied by an officer, who is to be styled "Custom-master of Calcutta." Previous to entering upon the execution of the duties of his office, he shall take and subscribe the following oath before the Governor General in Council, or any person whom he may commission to administer it:

Oath.

"I, A. B., solemnly swear, that I will faithfully discharge the duty of "Custom-master of Calcutta; that I will not directly or indirectly, by myself "or others, be concerned in, or allow of any collections being made but such "as are authorized by, and brought to the credit of Government; that I will "not be concerned, directly or indirectly, in the purchase of any goods or "commodities in the British dominions in Bengal, for the purpose of remitting "money to Europe, nor in any commercial transaction; that I will not take "or receive, or knowingly allow any other person to take or receive any "present, gratuity, fee, or advantage whatsoever, on account of any matter "relating to the duty of my office, excepting such as now is or may be hereafter authorized by the Governor General in Council: So help me God."

Custom-house to be open from nine until two o'clock.

Third. The Calcutta custom-house is to be open for the transaction of business every day (Sundays excepted), from nine o'clock in the morning until two o'clock in the afternoon.

Rules for the collection of the Calcutta customs on imports by sea.

XXII. *First.* The following are the rules prescribed for the collection of the duties on imports by sea.

A Tide-waiter to go on board vessels anchoring in the port of Calcutta, and to enter all particulars concerning them in his book.

Notification to be inserted in the Tide-waiter's book.

Second. A Tide-waiter from the custom-house is to go on board of every vessel that may come to anchor in the port of Calcutta, and enter in his book her name, the nation to which she may belong, the name of her commander, from what port she may have last sailed, and every other particular concerning her. The following notification is to be inserted in the Tide-waiter's book:

"Fort William, ...(*Date.*)

"To all commanders and supercargoes of vessels trading to the port of "Calcutta:

"You are hereby directed, immediately on your arrival at this port, to "transmit to the custom-house a true manifest, upon oath, of all the goods "and merchandizes loaded on board of your vessel, specifying at what port "they were received, and to whom they belong, either on account of the "owners or on freight, together with their marks and numbers, agreeably to "the annexed form.

(*Signed*) "A.B., *Custom-master.*"

Third. The form of the manifest is to be subjoined to the notice.

Master or supercargo to deliver in his manifest at the custom-house.

Affidavit to be annexed to the manifest and sworn to.

XXIII. *First.* As soon after the arrival of the vessel as may be practicable, the master or supercargo is to deliver in his manifest at the custom-master's office. The Custom-master is to annex the following form of an affidavit to the manifest:

"A.B., commander of the ship C........, maketh oath and saith, that the "annexed manifest, to the best of his knowledge and belief, contains a true "and just account of all goods and merchandizes imported on the said ship "............, into the river Hoogly, on his account; and that the sums written "opposite to the several articles are the true and just prime cost.

"Sworn this .... day of ....
before me, ..."

Manifest to be sworn to.

Certificate required from the police office.

Second. The master or supercargo shall next proceed to swear to his manifest before one of the Judges of the supreme court of judicature, and to return it to the Custom-master with a certificate from the police office, purporting that he has complied with the police regulations passed by the Governor General in Council on the 25th June 1788. No merchandize shall be permitted to be landed from any ship until the above rules shall have been observed. Should any goods not included in the said manifest be afterwards landed, they shall be charged with double duties.

After the required forms have been observed, and security taken for the duties, the goods to be landed.

XXIV. When the above forms shall have been observed, and sufficient security taken from the owners or freighters of the cargo for the duties which may be chargeable on it, they shall be permitted to land the goods.

All packages to be landed at the custom-house.

XXV. All goods and packages, without exception, imported from Europe, shall be landed at the custom-house.

Certain packages to be passed at the discretion of the Custom-master, and duties on ships' manifests to be settled by him without reference.

XXVI. Parcels for gentlemen, and necessaries, are to be passed at the discretion of the Custom-master, and the duties on ships' manifests finally settled by him without any reference.

Rules to be observed in landing cargoes.

No goods to be landed without permits.

XXVII. *First.* In landing the cargo, every separate boat-load shall be accompanied with a note addressed to the Custom-master, specifying the quantity and quality of the goods. The Custom-master shall sign an order on each separate note, to weigh or examine the goods specified in it, and to pass them. No goods shall be landed without a note or permit, and great care shall be taken that no more goods are passed than the quantity specified in the permit.

Rules to be observed upon the cargoes being landed.

Bills for the duties to be made out.

Second. When the cargo shall have been landed, the boat notes or permits shall be compared with the manifest, after which the custom-master is to proceed to make out bills for the duties, agreeably to the following rules.

Duty of four per cent. to be levied on the Calcutta price of all imports by sea.

Exception.

Third. The rate of duty to be collected at the Company's custom-house is to be four per cent. on the Calcutta price of all foreign goods imported by sea, without any deduction, with the exceptions specified in the following clauses.

Duties to be levied on merchandize imported under foreign colours.

Fourth. The owners or commanders of all ships under foreign colours importing from Europe or elsewhere, shall be required to deliver a manifest of their import cargoes on oath, and an advance of sixty per cent. is to be added to the prime cost of the articles imported on such ships, and the duties levied upon the aggregate.

Duties to be levied on the investments of the officers of the Honourable Company's Europe ships without adding any per-centage.

Fifth. Duties are to be levied on the investments of the captains and officers of the Honourable Company's ships on the amount of their invoices, without adding the usual per-centage.

Duties on China articles.

Sixth. Duties are to be levied on China goods at an advance of thirty per cent. on the invoice price.

What duties to be levied on goods the produce of the Coromandel Coast.

Seventh. An advance of fifteen per cent. is to be added to the invoice of goods the produce or manufacture of the Coromandel Coast, instead of levying duty on the Calcutta price, and the duties are to be levied on the aggregate.

Copper herein specified imported from Madras to pass duty free.

Eighth. Copper imported from Madras, with a certificate specifying that it has been taken from the Government of that presidency in payment of advances due on contracts with the Company, is to pass duty free.

Duties how to be levied on imports the produce of America.

Ninth. As the prime cost of imports by American ships, the produce of America, cannot always be sworn to, the duties in such cases are to be levied on the account sales properly attested.

Duties on cargoes imported by China and

Tenth. The duties on cargoes imported in China and Macao ships are to be levied agreeably to the account sales delivered in on oath. In cases in which the owners refuse to authenticate their account sales by affidavit, an advance of forty per cent. on the prime cost is to be added, and the duties levied on the aggregate.

Macao ships to be levied agreeably to the account sales.

Eleventh. The custom-master is not, in future, to refund half of the duties on certificates from the other presidencies.

Moiety of the duties on certificates from the other presidencies not to be refunded.

Twelfth. A credit, from three to six months, is to be allowed for the payment of duties on goods imported by sea, to such persons as shall deposit sufficient security for the payment of the amount when it may become due.

Credit to be allowed for the payment of duties on goods imported by sea on proper security being given.

XXVIII. *First.* The duties on liquors are to be levied at the following rates:

Rates at which the duties on liquors are to be levied.

Liquors in Casks.			
Wine of whatever kind, rum, brandy, and gin, per pipe..................Arcot Rupees	12	0	0
Arrack, per leaguer	6	0	0
Batavia, ditto	55	1	3
Beer, porter, and cyder, per hogshead	2	8	0
Liquors in Bottles.			
Cherry and raspberry brandy, and cordials, per dozen	1	0	0
Red and white wines, brandy, rum, gin, beer, ale, porter, cyder, perry, and sweet oil, per dozen......	0	8	0

Second. Arrack imported into Calcutta from Bencoolen is to be exempted from duties.

Bencoolen arrack not to pay duty.

Third. The usual deduction of ten per cent. is to be made in consideration of leakage, &c. All ullages, or parts of casks, are to be filled up, and their quantity ascertained, before they are removed out of the custom-house. No deductions or ullages are to be allowed after the liquors have passed the custom-house.

No deductions nor any ullages allowed after the liquors have passed the custom-house.

Fourth. Liquors, in common with other merchandize, not duly entered at the custom-house, are declared liable to confiscation.

Liquors not duly entered liable to confiscation.

XXIX. Particular care shall be taken to prevent vessels mooring or lying between the north-west and south-west bastions of the Old Fort, nearer than the middle of the stream, and no boats or small craft, excepting such as may be employed in landing goods, are to be allowed to lie within the said bastions.

No vessel or small craft permitted to be between the north-west or south-west bastions of the old fort.

Exception.

XXX. The Master-Attendant is not to grant a pilot to any vessel, until a certificate shall be produced to him from the Custom-master, of the import and export duty on her trade having been duly paid.

The Master-Attendant not to grant a pilot to any vessel until a certificate of the payment of the duties is produced to him.

XXXI. The pilot of every vessel which may have received her clearance shall be ordered by the Master-Attendant to report to the Custom-master, if any and what goods are received on board in the river after the receipt of such clearance, and to endorse the same on the back of the clearance.

Pilot to report what goods are received on board after the port clearance has been received.

XXXII. All vessels and boats whatever coming down the river shall be examined, and all persons on board of them who may appear to be deserters from the Honourable Company's army are to be apprehended.

Deserters from the Honourable Company's army to be taken out of the vessels.

XXXIII. The Custom-master shall not allow the cargo to be landed from any

Custom-master not to allow the cargo to be landed from any vessel until he has received the prescribed list of Europeans.

any ships or vessels, the commanders of which are required to furnish the list of Europeans prescribed in the advertisement published by the Governor General in Council on the 25th June 1788, until he receives a copy of it from the Master-Attendant; and he shall also refuse permission to the landing of any cargoes belonging to the captain or officer of such ships or vessels, or of any baggage belonging to passengers that may have come in them, excepting the cargoes or baggage of persons named in the list.

No Muscat salt to be introduced without a certificate.

XXXIV. *First.* No salt, under the denomination of Muscat salt, shall be allowed to be imported into Bengal, Behar, and that part of Orissa which is under the dominion of the Company, unless it shall be accompanied by a certificate, duly authenticated by the officers of the customs at Muscat or Bombay, of its being the produce of, or having been exported from the port of Muscat.

Restriction as to the quantities of Muscat salt to be introduced.

Second. No greater quantity of the above salt than two hundred maunds of eighty-two sicca weight, shall be imported in any one vessel importing from Bombay; and no quantity exceeding five hundred maunds, in any one vessel importing from Muscat.

Penalties incurred by disobedience to the above clauses.

Third. Any quantity of salt, under the denomination of Muscat salt, attempted to be imported in opposition to the restrictions contained in the preceding clauses, shall be confiscated, and disposed of at public sale; any person giving information of Muscat salt so illicitly imported, shall receive a reward of fifteen per cent. on the proceeds of the sale of the same.

Reward to the informer.

Rock salt imported from Bombay to be landed at the Company's salt golahs.

XXXV. All rock salt from Bombay or Muscat shall be landed at the Company's salt golahs instead of the custom-house, and the Deputy Secretary to the Board of Trade shall furnish the Custom-master with an account of the quantity, and detain the salt until a certificate is produced from the custom-house of the import duty having been paid.

To make a report to Government whenever arms or military stores are landed.

XXXVI. The Custom-master shall report to Government, through the Board of Trade, whenever arms or military stores, being private property, are to be landed from any vessel importing at Calcutta, specifying the nature, and numbers and quantity of such arms and stores, together with the name of the ship, and of the commander or consigner.

Masters of vessels to furnish the Custom-master with a manifest of their export cargoes.

Custom-master to keep a register of such exports.

XXXVII. Commanders of vessels exporting from the river Hoogly previous to obtaining a port clearance, shall be required to furnish the Custom-master with a full and just manifest of their export cargoes. The Custom-master is to keep a regular register of such exports.

Report of ships clearing out loaded with sugar to be furnished by Custom-master.

Report what to contain.

XXXVIII. The Custom-master is to transmit every three months a report of all ships which may clear out loaded with sugar from this port, specifying for what place they clear out, and if possible, what quantity of sugar they have on board.

Port clearance when to be granted.

XXXIX. When commanders of vessels shall have conformed to the rules prescribed to them in the preceding sections, and, in the cases required, presented a certificate to the Custom-master of the police Regulation of the 25th June 1788 having been complied with, the Custom-master shall grant a port clearance to them in the usual form.

Custom-master to grant receipts for goods lodged in the custom-

XL. The Custom-master is to grant receipts on application being made for them, for all goods landed from ships and lodged in the custom-house. The Custom-master shall be held responsible for delivering from the custom-house all goods for which receipts shall have been so granted. Should the captains, officers, or passengers, omit to take such receipts upon their goods being landed and lodged as above-mentioned, they are not to be entitled to an indemnification for any part of them which may be lost in passing through the custom-house.

house, and to be responsible for the delivery of them.

Custom-master not reponsible for goods for which receipts may not be taken.

XLI. All duties on foreign imports are to be entered in a book to be kept in the following form:

Form of the register of duties collected on foreign imports.

FORT WILLIAM, *Register of Customs collected on Foreign Imports, in August* 1793.

1793.	Numbers and Nature of the Packages.	Vessels.	From whence imported.	Vessels under what Colours.	Merchants' Names.	Quality of Goods.	Quantity of Goods.	Amount of the Account Sales.	Rate of Duties.	Amount of the Customs.

XLII. *First.* The following Regulations have been prescribed for the collection of the Calcutta customs on the inland imports.

Rules for the collection of the Calcutta customs on inland imports.

Second. On the arrival of boats with merchandize at the custom-house, the owners are immediately to proceed to unload their boats and deposit the goods in the godowns. As soon after as may be convenient, they are to deliver a chellaun, specifying the quantity and quality of the goods, to the custom-master, who shall affix his name to it, with the words "examine," or "weigh," according to the sort of goods.

Owners to unload their boats immediately on their arrival at the custom-house, and to deposit their goods in the godowns.

To deliver a chellaun to the custom-master.

Custom-master to affix his name to the chellaun, with directions to examine or weigh.

Third. At twelve o'clock, the examiner and the Dullols, or Company's prizers, shall proceed to the godown, and take out musters from the different bales in the presence of the owners. The musters shall then be carried into the Custom-master's office, and compared with the chellauns in his presence, and the aurung prices on which the duties are to be levied shall be affixed to them.

Examiner and priser to examine the bales.

Duties to be levied on the aurung prices.

Fourth. When gruff goods are passed at the custom-house, a certain number of bags shall be taken from each boat and weighed, and the remainder counted off and passed. The weight of the whole shall then be calculated at the average of the bags weighed, and the duty levied accordingly.

Gruff goods how to be examined.

Fifth. All gruff goods, of whatever description, which may be landed at the several ghauts in and about the town, are to be weighed and passed under the inspection of the Company's Koyals, who are to observe the same forms as are prescribed with regard to goods passed at the custom-house; with this difference only, that after the quantity is ascertained, they are not to be passed until

Gruff goods not landed at the custom-house, to be passed by the Company's Koyals, but are not to be passed finally till a perwannah is issued by the Custom-master.

until a perwannah in the following form, signed by the Custom-master, shall be sent to the ghaut at which they are detained. The perwannah is to be issued on the next day, and in cases of emergency, on the same day.

Form of perwannah.

Form of the Perwannah.

" 19th September 1793.

" Ramnarrain Doss.
" Sugar 75 bags, weighing 150 maunds, value Ct. Rs. 1214.
" Duty at four per cent. 48 9.
" No. 451. " Entered,
(Signed) " A. B., *Custom-master.*

Goods when to be passed.

Sixth. All goods shall be passed at the custom-house the day after they are entered and examined, if the owner chooses; and in cases of emergency, on the day on which they are entered.

Bills to be given for the duties.

Seventh. Official bills, signed by the Custom-master, shall be given for the duty on all imports of whatever description.

Duties to be entered in a book.

Eighth. When the duties shall have been received they are to be entered in a book, to be denominated " the register of duties collected on inland imports," and kept in the following form:

FORT WILLIAM, *Register of Customs collected on Inland Imports, in August* 1793.

1793.	Numbers and Nature of Packages.		Boats or Oxen.	From whence imported.	Merchants' Names.	Quality of Goods.	Quantity of Goods.	Amount of Invoices.	Rate of Duties.	Amount of Customs.

Duty of four per cent. to be levied on gruff inland imports, and of two per cent. on piece goods, &c.

Ninth. Four per cent. is to be collected on the aurung price of all gruff, inland imports, without any deduction, and two per cent. on all inland imports consisting of piece goods, cotton, thread, and yarn, without any deduction.

Ready money to be required in payment of the duties.

Tenth. Ready money only is to be received from merchants in payment of the duties.

Peons to be stationed to watch boats laden with goods for ships.

XLIII. The Custom-master shall station Peons three miles above the town. One of the Peons is always to proceed with such boats as are laden with goods for the cargoes of freighted ships, and not to quit them, or permit the merchandize to be landed at any place excepting at the custom-house, where they shall be deposited, and remain until the freight-owners shall order them to be embarked on board a particular ship, or until the proprietors shall have paid the usual duties.

Such goods to be deposited in the custom-house.

Goods attempted to be passed without landing at the custom-house liable to confiscation.

XLIV. The Custom-master and his officers are required to bring to the custom-house all boats attempting to pass the town without landing; and should any goods be found on board, they shall be liable to confiscation, at the discretion of the Governor General in Council.

XLV. Should the Custom-master have received information, or suspect that merchants have caused goods of an inferior quality to those they intend to transport to be specified in their rowannahs, he is authorized to order one bale to be opened in his presence in the custom-house godowns; and should he discover any such fraud, he is to report it to the Board of Trade, who, on the fact being proved, are to order the whole to be confiscated without reserve, after receiving the sanction of the Governor General in Council for that purpose.

Goods mentioned in the rowannah as goods of an inferior quality are liable to confiscation.

XLVI. All goods attempted to be passed without rowannahs, although rowannahs shall have been taken out for them, shall be seized and confiscated, unless the proprietor or conductor of the goods shall have given notice to the Custom-master that such goods were on the way, for the purpose of assuring to Government the duties which might be due upon them.

Goods attempted to be passed without rowannahs liable to confiscation.

Exceptions.

XLVII. Rowannahs issued at Benares shall be considered and received as current in the Company's provinces.

Rowannahs issued at Benares to be current throughout the three provinces.

XLVIII. Whenever goods shall be stopped on the ground of their being liable to confiscation, the Custom-master shall submit the case to the Board of Trade for their decision.

All cases of goods stopped for confiscation to be submitted to the Board of Trade.

XLIX. Piece goods of every kind, as they are entered at the custom-house, shall be marked with the Company's chops or stamps. Goods that have passed the custom-house without being stamped, shall not be entitled to the Company's chop without paying fresh duties.

Piece goods to be marked with the Company's chops.

L. *First.* All liquors, provisions, and other necessaries of life, grain excepted, which may be imported, shall pay the duties equally with other merchandise.

Duties to be levied on the necessaries of life.

Exception.

Second. An additional duty of four annas per gallon shall be levied on common paria or inferior country arrack.

Additional duty on paria arrack.

LI. *First.* The kyaullee dustoor shall be levied on mustard and teel seed.

Kyaullee dustoor to be levied on mustard and teel seed.

Second. Ganja imported into Calcutta shall pay twenty rupees per cent. on the selling price in Calcutta.

Duty on ganja.

LII. A remission, in the nature of a drawback, shall be allowed on all Bengal spirits exported by sea.

Drawback allowed on Bengal spirits exported by sea.

LIII. *First.* All beetlenut and tobacco imported at Calcutta shall be liable to the Company's duty of four per cent., without any distinction as to the place from whence it may be brought. But in case it shall pass Calcutta without being landed, it shall then be exempted from the Company's duty; or if, after being landed, the merchant shall be desirous of re-exporting it, rowannahs shall be granted free of duty.

Duties on beetlenut and tobacco.

Second. All beetlenut and tobacco imported is to be weighed and passed at the Old Fort gate.

Beetlenut and tobacco to be weighed and passed at the Old Fort gate.

LIV. A complete drawback shall be allowed to individuals on all raw silk exported on the chartered ships of the Company, under the license of the Governor General in Council, on the production of the bill of lading at the custom-house.

Drawback allowed on raw silk.

Custom-master to report to the Board of Trade the quantity of indigo exported and imported in foreign ships.

LV. *First.* Importers of indigo are to be required to register their invoices of that commodity at the custom-house, and the Custom-master is to report to the Board of Trade, every three months, the quantity of indigo exported or imported in foreign ships.

Indigo imported from Manilla to pay the established duties, but a drawback allowed on its being exported on the Company's tonnage.

Second. Indigo imported into Bengal from Manilla is to be charged with the established duties; but a drawback of those duties shall be allowed upon the indigo being re-exported to England in the Company's tonnage, on the same terms as indigo the produce of this country. No drawback is to be allowed on Manilla indigo, which may be re-exported on foreign ships, or in any other manner than that above specified.

Goods belonging to foreigners brought to Calcutta to be exported on British ships, to be shipped off from the custom-house.

LVI. All goods the property of foreign merchants, which may be brought down to Calcutta to be freighted on board British ships, shall be landed at the custom-house, and there weighed and shipped off.

Goods imported for exportation not to pay any duties.
Exception.

LVII. Goods imported by sea, for exportation from the port of Calcutta, shall not be subject to any duty unless the property is changed.

Import duties on unsold goods re-exported to be returned on their identity being established.
Deduction for fees of office.

LVIII. *First.* All import duties on unsold goods that may be re-exported shall be returned, on the identity of the goods being established by the affidavit of the importer, with a deduction for the established fees of office.

Returned goods not registered on exportation to pay the established import duties.

Second. Goods which may be applied for to be brought into the town as returned goods, without having been registered on exportation, shall be subject to the payment of the established duties, in the same manner as if they had never been imported.

No persons or associations to be exempted from the payment of duties.

LIX. No persons or associations shall, in future, be exempted from the payment of duties without the special orders of the Governor General in Council.

Goods received into the custom-house between 1st January and 1st April, the duties on which shall not have been paid, to be sold on the 1st July.

LX. *First.* Goods received into the custom-house between the 1st of January and 1st of April, the duties on which shall not have been paid, shall be sold on the 1st July following.

Goods received between 1st April and 1st July, to be sold on the 1st October.

Second. Goods received into the custom-house between the 1st April and 1st July, the duties of which shall not have been paid, shall be sold on the 1st of October following.

Goods received between the 1st July and 1st October to be sold the 1st January.

Third. Goods received into the custom-house between the 1st July and 1st October, the duties on which shall not have been paid, shall be sold on the 1st January following.

Goods received between 1st October and 1st January, to be sold on 1st April.

Fourth. Goods received into the custom-house between the 1st October and 1st January, the duties on which shall not have been paid, shall be sold on the 1st of April following.

Sales how to be conducted.

Fifth. Publication of the sales, and of the terms of them, is to be affixed at the usual places for fifteen days before the day of sale. The sales are to be made for ready money only, and the purchase money is to be paid in fifteen days after the day of sale.

Balance of sales after the custom and warehouse charges to be paid to the owners.

Sixth. After deducting the custom-house and warehouse charges, the balance of sales is to be paid to the owners of the goods on their making application for the same.

How the duties are levied from persons refusing payment of them.

LXI. All duties on inland imports shall be levied on the goods when they are landed or shipped; and should any person refuse payment, such part of the goods as shall be deemed an equivalent for the duties shall be secured and deposited in the custom-house, until the owner shall pay the demand, or until the expiration of two months, when the goods shall be disposed of at public sale.

LXII. *First.* All trunks, chests, and other packages, shall be landed at the custom-house, and remain there until properly discharged by the Custom-master, who is to consider every thing as merchandize.

All chests and packages to be landed and remain at the custom-house until passed by the Custom-master, who is to consider every thing as merchandize.

Second. No goods are to be landed at any place excepting the Old Fort, or the custom-house ghauts, unless by particular permission.

Goods where to be landed.

Rules for the Management of the Warehouse.

LXIII. *First.* An account shall be delivered by the Tide-waiters of the receipt of all goods into the custom-house for which no permit shall have been given.

Account to be taken of all goods received without permits.

Second. No goods shall remain in the custom-house longer than seven days after being entered at the custom-house, unless by express permission.

No goods to remain at the custom-house longer than seven days. Exception.

Third. The Custom-master is to make a report of all uncleared goods as soon as the usual period for clearing them out shall have expired, and also of all seized goods, without delay, that they may be disposed of at public sale before they are damaged.

Custom-master to report on all uncleared and seized goods.

Fourth. No packages, casks, bales, chests, or parcels of goods of any kind, are to be received into the custom-house godowns without they are marked with an English letter or number, or a person's name in English. No receipt is to be given for any packages, &c. not so marked.

No packages, &c. to be received into the custom-house unless marked.

Fifth. The custom-house officers are not to be answerable for any goods lodged in the godowns, unless the owner shall take a receipt for them, specifying the marks, numbers, &c. This receipt is to be returned on clearing out the goods, which shall be in seven days from their entry. If they remain longer, godown rent will be charged.

Custom-house officers not to be answerable for any goods, the owners of which do not take a receipt for them. Receipt to be returned on clearing out the goods.

Sixth. An account is to be kept by the Tide-waiters of all packages received into and delivered out of the godowns.

Accounts to be kept of packages received into and delivered out of the godowns.

LXIV. No Kyauls to be employed, excepting such as are furnished with a certificate from the Custom-master.

Kyauls to be licensed by the Custom-master.

LXV. In cases in which Government may deem it proper to grant exemptions from duties to individuals, the Custom-master will be furnished with special orders regarding such exemptions.

Rule respecting special exemptions of duties.

A. D. 1793. REGULATION XLIII.

A REGULATION *for re-enacting, with Modifications, the Rules passed on the 25th February 1793, for granting Lands to invalided Native Officers and Private Soldiers:* PASSED *by the Governor General in Council on the 1st May 1793 (corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree).*

I. JUSTICE and policy requiring that the jaghire establishment for invalids should be put upon such a footing as to render it productive of the benefits originally expected to result from it, *viz.* a comfortable retreat for worn-out native soldiers, with an ample subsistence for themselves during their lives, and decent provision for their families after their decease; and it being essential to the attainment of this object that the land should be procured without any infringement of the rights of the Zemindars, the Governor General in Council, on the 25th February 1793, framed a code of rules for new modelling the establishment, in which provisions were made for obtaining the lands from the proprietors on lease, or by purchase, and for delivering them to the invalids in such a state as to enable them to render their respective jaghires immediately productive. To add to the security, and consequently the value of the tenures, the terms of them, and the privileges which they conferred on the grantees, were incorporated with the Laws and Regulations of the country. Provisions, also, were made for withdrawing the interference of the regulating officer from the tannahs upon the death of the original grantees, and leaving their descendents to blend with the mass of the community, but secured by the Regulations in the enjoyment of the rights and property which might devolve to them from their ancestors. Such parts of those rules, and of the rules passed on the 18th February 1789, and the 24th December 1790, therein referred to, as come within the description of the rules and orders specified in Section II. Regulation XLI. 1793, are hereby enacted into a Regulation.

Invalid villages allowed to be established throughout the soubah of Behar.

II. The establishment of villages for invalids, now confined to the zillahs of Boglepore and Behar proper, shall be extended to the zillahs of Shahabad, Tirhoot, and Sarun.

To whom the immediate superintendance of the invalid establishments is to be committed.

III. The immediate superintendence of the invalid establishments in the five zillahs shall be committed to an officer, who shall be denominated the regulating officer, with assistants to act under his instructions. In the event of the absence or indisposition of the regulating officer, the powers vested in him are to be exercised by his assistants.

Annual estimate to be made of the number of invalids for whom lands will be required,

and also of the proportions of that number to be provided for in each zillah.

Estimate to be sent to the Collectors as soon as formed.

Collectors, immediately upon the receipt

IV. As soon as may be practicable after the native officers, sepoys, and lascars, shall be assembled at Mongheer subsequent to the annual period of invaliding, viz. the 31st of March, an estimate shall be made of the number of officers and privates expected to be transferred to the jaghire establishment on the 1st April in the ensuing year, and also of the proportion of that number to be provided for in each zillah. The estimate is to be transmitted to the Governor General in Council, who will order it to be forwarded to the proper Collectors. The Collectors, immediately upon the receipt of the estimate, are to proceed to procure the required quantity of waste land, in the mode and upon the conditions hereafter specified.

of it, to proceed to procure the required quantity of land.

V. *First.* When a Collector shall have met with a spot of waste land calculated for the purpose of establishing a tannah or village for the invalids, he is to make a proposal, in writing, to the proprietor of the land to take a lease of it on the part of Government, on the terms specified in the following articles.

Terms on which the Collectors are to procure the lands on lease from the proprietors.

Second. Article 1: The land to continue the property of the Zemindar or other proprietor, and never to be separated from his estate.

Land to continue the property of the Zemindar, and never to be separated from his estate.

Third. 2d. The pottah or deed of lease to include the julker, bunker, and phulker, or all trees and the produce of them, fisheries, and pasture land.

Pottah to include the julker, bunker, and phulker.

Fourth. 3d. The invalids to hold the land free of rent, or any demand whatever, during their lives; and after their demise the land to devolve to their heirs.

Invalids to hold the land free of rent for life.

Land to devolve to their heirs.

Fifth. 4th. The heirs of invalids, for the first five years after they may come into the possession of land, to pay to the Zemindar a sum equal to one-tenth of the produce of the land, as malikanah.

Malikanah to be paid by the heirs of invalids for the first five years.

Sixth. 5th. After the expiration of the period of five years, the payment of one-tenth, as malikanah, prescribed in the fourth article, to cease, and the Collector to assess the lands with a neat rent, equal to two-thirds of the amount paid for other lands in the district of the same description and quality. This rent not to be liable to any variation, and to be paid to the Zemindar or other proprietor.

Lands to be assessed at two-thirds of the produce after the first five years above-mentioned.

This assessment not liable to variation.

Seventh. 6th. If the original grantee should die within seven years from the date of his being put in possession of his lands, his heir to continue to hold them rent-free until the expiration of such period of seven years; from which time the lands are to become subject to the two preceding articles, in the same manner as if the heir had then first succeeded to them, and his ancestor had held them for a term exceeding five years.

Terms upon which heirs of invalids who die within seven years are to hold their lands.

Eighth. 7th. If an invalid shall die without heirs, it be given to the option of a fresh man coming upon the establishment, to supply his place in the tannah, upon his agreeing to take the lands upon the terms to which he would have succeeded to them had he been the heir of the deceased. If no fresh man will agree to take the lands upon these terms, the lands to revert to the Zemindar or other proprietor, who is to be entitled to dispose of them in such manner as he may think proper.

How the lands of invalids dying without heirs are to be disposed of.

Ninth. 8th. If an invalid shall die, and leave heirs who are not willing to receive the lands upon the foregoing terms, or are incapable of cultivating them, the heirs to be allowed to dispose of their rights to any of the invalids belonging to the tannah, the purchaser becoming subject to all the conditions in the articles regarding such heirs.

In what cases and to whom the heirs of invalids are to be at liberty to dispose of their lands.

Tenth. 9th. If an invalid, from idleness or perverseness, shall wholly neglect the tillage of his jaghire for two years after he may be put in possession, the jaghire to be forfeited and given to a fresh man.

Invalids liable to forfeit their jaghires for neglecting to cultivate them for two years.

Eleventh. 10th. If an heir to a jaghire shall leave the land uncultivated for one year after he may claim it, and be ordered to be put into possession, the land to be deemed forfeited, and to be transferred to any other invalid, or heir

Heirs of invalids also liable to forfeit their lands if they omit to cultivate them for one year.

To whom the lands may be transferred.

Cases in which they are to revert to the Zemindar.

or successor of an invalid, who will take it upon the same terms as he would have been entitled to hold it had he been the heir of the deceased. In the event of no invalid agreeing to take the jaghire upon the above terms, the jaghire to revert to the Zemindar or other proprietor, as in the cases provided for in the seventh article.

Rules regarding arable lands not brought into cultivation by the time they become liable to assessment.

Twelfth. 11th. Upon the arrival of the period for assessing lands which may have devolved to the heirs or successors of invalids, such parts of them as might have been cultivated, and are not brought into cultivation, to be resumed, and the Zemindar or other proprietor to be at liberty to grant pottahs for them to whomsoever he shall think proper; unless the person who may have omitted to cultivate them shall enter into an engagement to bring them into cultivation in the course of one year, calculating from the commencement of the year in which they became liable to the final assessment, and in all future years to pay for them as cultivated lands.

Malikanah and rent of the Zemindar how to be collected.

Thirteenth. 12th. The malikanah and rent to which the lands are declared liable in the fourth and fifth articles, to be collected by the Collector, and accounted for to the Zemindar, or other proprietor, by credit being given him for the amount in part of his stipulated annual payments to Government.

Zemindar not to be liable to any increase of revenue on account of rent or malikanah that may become due to him during an existing lease.

No increase of revenue to be levied from the Zemindar, or other proprietor, during the term of the engagement which may subsist between him and Government, on account of the rent or malikanah which may become payable to him from the lands of the invalids during the term of such engagements.

Pottah to be obtained from the proprietor for invalids, &c. upon their being put into possession of their land.

Fourteenth. 13th. Whenever an invalid, or his heir or successor, may be put in possession of a jaghire previous to its being charged with the permanent assessment, the regulating officer to obtain from the proprietor, through the Collector, a separate pottah for such person, which is to express the terms on which he is to hold the land, as specified in the preceding articles.

Pottah to be procured from the proprietor when the lands become liable to assessment.

When a jaghire becomes liable to the permanent assessment, the regulating officer to obtain from the Zemindar, or other proprietor, through the Collector, a pottah in the name of the possessor, specifying the amount of the rent or assessment, the quantity of land, the boundaries of it, and the terms of the tenure as above defined.

Proprietors at liberty to station an agent in each tannah to keep accounts of his rent and malikanah, and to take care of his interests.

Fifteenth. 14th. The Zemindars or other proprietors to be allowed to station a Mutsuddie in the tannahs, to take copies of the accounts of the rent and malikanah that may become due to them, and to inform them of every infringement of the terms under which the lands in the tannahs are held, as specified in the agreement between them and Government.

Tannah to be considered upon the same footing as other villages in the zemindarry, when all the lands become liable to the fixed assessment, and the interference of Government be withdrawn.

Heirs and successors of the original grantees to hold according to their pottahs.

Sixteenth. 15th. Whenever all the lands in a tannah shall have become liable to the permanent rent or assessment specified in the fifth article, Government to withdraw the regulating officer, and the tannah to be considered upon the same footing as other villages in the zemindarry or estate, the heirs and successors of the original grantees continuing to hold their lands upon the terms specified in their pottahs.

Government to be responsible to the Zemindar for the rent or malikanah whilst a tannah remains under charge of the regulating officer.

How the Zemindar is to recover his rent when the interference

Seventeenth. 16th. As long as the tannah remains under the charge of the regulating officer, Government to be responsible to the Zemindar or other proprietor for the payment of his malikanah and rent. When the officers and interference of Government shall be withdrawn, upon the arrival of the period specified in the preceding article, the Zemindar or other proprietor to be at liberty to recover his rent from the heirs and successors of the invalids, by the process prescribed in Regulation XVII. 1793, in the same manner as from other persons holding lands upon pottah.

of Government shall be withdrawn.

Eighteenth. 17th. After the officers of Government shall have been withdrawn from a tannah, in the case specified in the fifteenth article, if an invalid, or his heirs or successors, shall die without heirs and intestate, the jaghire, or such parts of it as may have been held by the deceased, to devolve to the Zemindar, who shall be at liberty to grant a pottah for it, or to dispose of it to such person, and upon such terms, as he may think proper.

Lands of invalids, or their heirs or successors, dying without heirs and intestate, to devolve to the Zemindar.

Nineteenth. 18th. Any other stipulations which may be made between Government and the Zemindar, or other proprietor of land, shall be binding on the parties. All differences between Government and the Zemindar, or other proprietor, and between the latter and the invalids, or their heirs or successors, respecting the nature of the invalid tenures, to be decided in the Dewanny Adawlut of the zillah.

Twentieth. 19th. An agreement to be exchanged between Government and the Zemindar, or other proprietor of land, containing the stipulations specified in the several clauses in this section, and such other stipulations as the parties may introduce in virtue of article eighteenth, and to be the instrument to be referred to upon any dispute arising between Government and the Zemindar, and between the latter and the invalids, or their heirs or successors, on all points to which it may relate.

VI. If the estate, or the part of the estate of any Zemindar or other proprietor, in which any lands leased to Government under this Regulation may be situated, shall be disposed of at public sale, or be transferred or devolve in any manner to any other person, neither the lease of Government, nor the terms of the tenures of the invalids, or their heirs or successors, are to be in any respect affected, but the new proprietor is to be bound by the terms of the deeds in the same manner as the proprietor who granted them would have been, had he retained the property, notwithstanding any thing that may be said to the contrary in Regulation XLIV. 1793, or any other Regulation passed on the 1st May 1793.

Any person succeeding to an estate, or a part of an estate, in which any lands may have been leased to Government under this Regulation, to abide by the terms of the lease.

VII. If a Collector in any of the zillahs in which tannahs are allowed to be established shall hear of any estate procurable by private purchase, which may contain a sufficient quantity of waste land, and be properly situated for the establishment of a tannah, or if any such estate shall be ordered to be put up to public sale, he is to inform the Governor General in Council, in order that it may be purchased on the part of Government for the establishment of a tannah, if circumstances should render it advisable.

Collector to report whenever there may be any estates to be disposed of at public or by private sale, calculated for tannahs, that they may be purchased if thought advisable.

VIII. Whenever invalids shall be established upon lands the property of Government, they are to hold them of Government upon the same terms as invalids settled upon lands belonging to Zemindars, or other proprietors of land paying revenue to Government, or upon such other terms as the Governor General in Council may judge it proper to prescribe, previous to establishing the invalids upon the lands.

Invalids established upon Government's lands to hold upon the same terms as of individuals.

Exceptions.

IX. Widows, being heiresses to the jaghires of their husbands, are to be allowed to marry whom they please without forfeiture of their jaghires, which, after their death, are to devolve to their heirs at law.

Widows being heiresses to their husbands may re-marry without forfeiting their jaghires, which are to devolve to their heirs at law.

X. It

Regulating officer, with his assistants, to superintend the conduct of the invalids and to settle all petty differences within the tannah.

X. It is to be the duty of the regulating officer, with the aid of his assistants, to superintend the conduct of the invalids in the several villages, and to settle all internal petty frays and differences that may arise between the invalids and other inhabitants of the tannah, in such manner as may appear equitable.

In what cases invalids are to be tried by a court-martial.

XI. Disputes or misconduct of magnitude, to the prejudice of good order, in which an invalid may be the person complained against, are to be investigated by courts martial to be ordered and approved by the regulating officer.

Parties in disputes respecting agreements concluded, or property lying within the tannah, to have the option of referring them to arbitration.

XII. *First.* In cases where a dispute may arise between the invalids or other inhabitants of the tannahs, regarding debts, or other contracts concluded within the tannahs, or respecting any real or personal property, being or lying within the limits of the tannahs, the parties shall have the option of appointing an arbitrator or arbitrators for the adjustment of their claims. The following rules are prescribed for the guidance of the regulating officer respecting the reference of suits to arbitration.

Officer to encourage, but not oblige persons to become arbitrators.

Officer to recommend parties to submit to the arbitration of one person.

Parties to choose the arbitrators, who are to decide without fee or reward.

Second. The officer is to afford every encouragement in his power to persons of character and credit to become arbitrators; but he is not to employ any coercive means for that purpose, nor to permit any of his public officers, or private servants, to be arbitrators in a cause. In all cases, he is to endeavour, but without using any compulsion, to prevail upon the parties to submit their cause to the arbitration of one person, to be mutually agreed upon by them. In every case, the parties are to choose the arbitrator or arbitrators, by whom the matter in dispute is to be decided without fee or reward.

Officer how to proceed upon the parties agreeing to refer a cause to arbitration.

Provisions to be made against the arbitrators not delivering their award by the limited time, from disagreement or other cause.

Third. Whenever a suit shall be submitted to arbitration, the regulating officer, previous to the arbitrator or arbitrators entering upon the arbitration, is to cause the parties to execute arbitration bonds, binding themselves to abide by the award. The officer is to fix such time as he may think reasonable, upon a consideration of the nature and circumstances of the case, for the delivery of the award, and the period so fixed is to be specified in the bonds. If the cause shall be referred to two or more arbitrators, the following provisions are to be made for completing the award, in the event of the arbitrators not delivering it by the limited time, either from disagreement or other cause. If the decision of the suit shall be referred to two or more arbitrators, whether an odd or an even number, the parties are to have the option of nominating jointly one person as umpire; or if the number of arbitrators appointed shall be three or more, being an odd number, to agree that the award given by the majority shall be final, or to permit the arbitrators to nominate an umpire. The name of the umpire, and the time by which he is to make the award, in the event of the arbitrators not delivering it by the limited period, is to be specified in the bonds. In the event of an umpire being appointed, and the arbitrators not agreeing in an award by the limited period, their authority is to cease from such period and the umpire is to give his award.

Officer how to proceed when the arbitration bonds have been executed.

Fourth. When a cause shall be referred to arbitration, and the bonds specified in the preceding section shall have been executed, the regulating officer is to transmit to the arbitrator or arbitrators a copy of the complaint, and, by a short writing under his signature, refer to him or them the matters in dispute between the parties. In the trial of the suit, the arbitrators are to investigate the matters in dispute, by hearing the pleadings of the parties, and examining their respective witnesses and documents. If the evidence of any persons residing within the limits of the tannahs should be required by the arbitrators or the parties, the officer is to cause their attendance. If the evidence of any person residing out of the limits of the tannahs should be necessary, the regulating officer is to transmit such interrogatories as may be required to be stated to them, to the Vakeel of Government in the zillah in which the witnesses may reside, who is to apply to the court to summon the witnesses and take their depositions. When the depositions are taken, they are to be forwarded by the Register of the court to the regulating officer.

Cases in which the officer may extend the period for the delivery of an award.

Fifth. In cases where arbitrators or umpires shall not have been able to complete the award by the limited time, from want of the necessary evidence or information, or other good and sufficient cause, the regulating officer is empowered to allow a further time for the delivery of the award. In the first-mentioned case, the regulating officer is to fix a period by which the umpire (if an umpire shall have been appointed) shall deliver his final award, in the event of the arbitrators not completing their award by the expiration of such further time.

Arbitrators to deliver all documents and papers to the officer.

Sixth. When a final award in a cause shall be made, either by the arbitrators or the umpire, it is to be submitted to the regulating officer, under the seal or signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause. The regulating officer is to pass a decision conformably to the award, and the decision is to be carried into execution in the same manner as his other decisions.

Award to become a decree of the officer.

Awards not to be set aside but upon proof of corruption or partiality against the arbitrators.

Seventh. The regulating officer is, on no account, to set aside the award of an arbitrator or arbitrators; except it be fully proved to his satisfaction, by the oaths of two credible witnesses, that the arbitrator or arbitrators has or have been guilty of gross corruption or partiality in the cause in which the award may be made; in either of which cases he may set aside the award, or make such alteration in it as he may think equitable. The regulating officer, however, is to be careful not to set aside or alter any award, without such proof of the corruption or partiality.

Officer to decide the dispute, if either of the parties omit or refuse to appoint arbitrators.

XIII. If either of the parties shall omit or refuse to appoint arbitrators, the regulating officer is to inquire into the claim, and pass such decision upon it as may appear to him equitable.

Regulating officer empowered to administer oaths.

XIV. The regulating officer is empowered to administer the proper oaths to persons residing within the limits of the tannah who may be summoned to give evidence before him. If any person, so sworn, shall appear to him to have been guilty of perjury, the officer may order the Vakeel of Government to prosecute him before the Magistrate of the zillah for perjury.

Persons so sworn, if guilty of perjury, liable to be prosecuted before the Magistrate.

How the decisions of the officer are to be enforced.

XV. The regulating officer is empowered to enforce his decisions, by causing the delivery of the property (provided it shall be or lie within the limits of any of the tannahs) to the party in whose favour the decision may be passed; or if any sum of money shall be adjudged, and the party against whom the decision shall be passed shall omit or refuse to satisfy it, by the public sale of any property he may possess within the tannah.

Of what suits the regulating officer is not to take cognizance.

XVI. But the regulating officer is not to take cognizance of any complaint or claim, where the cause of action shall have arisen, or the property claimed shall be situated, without the limits of the tannahs. Such suits are to be instituted and decided in the court of judicature of the zillah.

Officer not to sell property without the limits of the tannahs in satisfaction of decisions passed by him.

Mode in which the officer is to procure the sale of property out of the limits of the tannahs, belonging to persons residing in the tannahs, against whom he may pass decisions.

XVII. The regulating officer shall not sell any property lying without the limits of the tannah, in satisfaction of any decisions that he may pass in causes which he is above-authorized to determine. But if a decision shall be passed by the regulating officer against any invalid or inhabitant of any of the tannahs, for a sum of money on a bond, or other contract or agreement, which shall have been executed or made within the limits of the tannahs, and the person against whom the decision may be passed shall not have property within the limits of any of the tannahs sufficient for the liquidation of it, but shall possess property without the limits of the tannahs, the regulating officer is to submit a copy of his decision, through the Vakeel of Government, to the Judge of the Dewanny Adawlut of the zillah or city in which the property may lie or be, who, unless an appeal shall be preferred against the decision, is to cause it to be enforced by the sale of the property of the party against whom it may be passed, in the same manner as if the decision had been given in his own court.

Regulating officer not to issue process or exercise any authority whatever out of the limits of the tannah.

XVIII. The regulating officer is not to issue any process, or exercise any authority whatsoever out of the limits of the tannahs.

Plaintiffs at liberty to complain in the first instance to the Dewanny Adawlut of the zillah, instead of bringing their cause before the regulating officer.

XIX. If any claims of a civil nature shall arise between the invalids or other inhabitants of the tannahs, and the plaintiff, or both the plaintiff and defendant shall be desirous of bringing the cause in the first instance before the Dewanny Adawlut of the zillah in which the tannah may be situated, instead of preferring it to the regulating officer, the plaintiff is permitted to prefer the suit to the court accordingly.

Invalids charged with murder or other heinous offence, to be sent to the Magistrate.

XX. If an invalid shall be charged before the regulating officer with murder, house-breaking, robbery, theft, or other heinous crime, the regulating officer is to send the party accused to the Magistrate of the zillah, who is to proceed with him in the same manner as he is directed to proceed with other persons charged before him with similar crimes or offences, and apprehended under his own warrant.

In what cases an appeal is to lie from the decisions of the regulating officer to the Dewanny Adawlut of the zillah.

XXI. An appeal is to lie to the Dewanny Adawlut of the zillah from the decisions passed by the regulating officer, in all causes for personal property, in which the sum of money, or the value of the thing claimed or decreed, shall exceed fifty rupees; and in all causes whatever for real property lying within the tannah, provided that the petition of appeal be presented to the Judge within six weeks after the date of the decision of the regulating officer.

Claims and charges preferred against inhabitants of a tannah, by persons residing out of the tannahs, and by the former against the latter, to be exclusively cognizable in the civil and criminal courts.

XXII. If any invalid or other inhabitant of a tannah shall have a claim or charge of a civil or criminal nature to prefer against any person residing without the limits of the tannahs, or if any person residing without the limits of the tannahs shall have a claim or charge to prefer against an invalid, or other inhabitant of a tannah, such claim or charge is to be considered as exclusively cognizable in the civil or criminal court of the zillah or city to the jurisdiction of which it may belong.

Regulating officer empowered to employ the Vakeel of Government to plead the causes

XXIII. To prevent invalids, or their heirs, residing within the tannahs and possessing the whole or a part of their jaghires, being harassed with law-suits, and that they may be enabled to defend or prosecute suits in the courts of civil judicature without being obliged to attend in person, or being subjected to trouble or expense, the regulating officer is empowered, in the following cases, to employ the Vakeel of Government to plead the causes of invalids, free of cost.

of invalids or their heirs residing within the tannahs,

First. Where an invalid, or his heir, residing in a tannah, may have a claim of a civil, or a charge of a criminal nature, to prefer against any person residing out of the limits of the tannahs, or a criminal charge against any invalid or inhabitant of a tannah of which the regulating officer is prohibited taking cognizance by Section XX.

where they may have civil or criminal suits or charges to prefer against persons out of the tannahs; or criminal charges of the nature specified in Section XX, against any person residing in a tannah;

Second. Where a claim of a civil nature may be preferred against an invalid, or his heir, residing within a tannah, by any person not being an inhabitant of a tannah.

or where a civil suit may be preferred against them by a person residing out of the tannah;

Third. Where an invalid, or his heir, residing within a tannah, shall be sued by another invalid or inhabitant of the tannah in the court of justice in the first instance, notwithstanding he shall have offered to the plaintiff to submit the cause to be tried by the regulating officer or by arbitration.

or where they shall have agreed to refer a claim made upon them to the regulating officer, or to arbitration, and the plaintiff shall nevertheless have sued them in the first instance in the court.

Fourth. The authority to employ the Vakeel of Government given to the regulating officer by this section, is to extend only to the suits specified in the three foregoing clauses, in which invalids, or their heirs, residing in the tannahs, may be parties, and not to any suits of other descriptions of persons residing in the tannahs, nor of invalids or their heirs who may reside out of the limits of the tannahs.

Authority vested by this section in the regulating officer to extend only to the suits therein specified, in which invalids or their heirs residing in the tannahs may be parties.

XXIV. The regulating officer is prohibited employing the Vakeel of Government to undertake the suits of invalids in the following cases.

The regulating officer prohibited employing the Vakeel of Government to plead for invalids or their heirs residing in the tannahs, where their claims or prosecutions may appear to him unjust or frivolous, or the suits or prosecutions instituted against them may appear to him well-founded;

First. To prevent invalids, or their heirs, abusing the above indulgence of having their suits pleaded by the Vakeel of Government, the regulating officer is not to order the Vakeel of Government to undertake any suits or prosecutions of the descriptions specified in the preceding section, which may appear to him unjust or frivolous; nor to defend any suits or prosecutions that may be preferred against invalids, or their heirs, which may appear to him well-founded. In such cases, the invalid or his heir is to be left to prosecute the claim or charge, or to defend the suit in person, or by Vakeel, at his own cost.

Second. Where an invalid, or his heir, residing within a tannah, shall be prosecuted for any of the criminal offences described in Section XX., whether the prosecutor be or be not an inhabitant of a tannah.

or they may be prosecuted for any of the offences described in Section XX;

Third. Where an invalid, or his heir, shall appeal from a decree of the regulating officer.

or they shall appeal from a decree of the regulating officer;

Fourth. Where invalids, or their heirs, shall agree to any suits in which they may be parties being brought in the first instance before the court of justice, as authorized in Section XIX.

or they shall agree to any suits being brought before the court in the first instance.

XXV. The process of the civil and criminal courts of judicature and of the police officers is to be current in the invalid tannahs, in the same manner as in other parts of the country, and the invalids and all inhabitants of the tannahs are to pay due obedience thereto, under pain of paying such fine, or suffering such punishment, as the courts are empowered, by any Regulation passed and printed in the manner directed in Regulation XLI, 1793, to impose or inflict on persons disobeying or resisting their process.

Process of the civil and criminal courts and the police officers to be current within the tannahs, in the same manner as out of their limits.

Money-lending amongst the invalids to be discouraged.

Regulation XV. 1793 to be fixed up in every tannah.

Regulating officers to conform to the above Regulation.

XXVI. The regulating officer is to discourage all money-lending amongst the invalids as much as possible, and Regulation XV. 1793 is to be fixed up in the cutcherry of every tannah. The regulating officer is to conform to the above-mentioned Regulation, in adjusting claims for debt or other matters to which it is applicable.

Lands in possession of invalids not to be assigned for debts, nor to be answerable after their decease for debts contracted by them.

The above restrictions not to operate when the lands devolve to their heirs or successors.

XXVII. Jaghires, whilst possessed by invalids, are not to be assigned as security for money borrowed by them, nor to be answerable after their decease for debts contracted by them: but when jaghires devolve to the heirs or successors of invalids, they are to be answerable for debts contracted by such heirs and successors.

Quantity of land to be granted to the several descriptions of invalids.

XXVIII. The following are the proportions of lands to be granted to the several descriptions of invalids:

A Subadar of infantry, and a first Jemadar of cavalry...	100 begahs
A Jemadar of infantry, and a second Jemadar of cavalry and Sarang	50
Havildar of infantry, and a first Duffadar of cavalry and Tindal	30
Naik of infantry, and a second Duffadar of cavalry and Cossob..	25
Sepoy, trooper, lascar, drummer, trumpeter, and Behistee.	20

Distribution of the lands by whom and how to be made.

XXIX. The distribution of the lands is to be made by the regulating officer in concert with the Collector, agreeably to the instructions with which they may be furnished; and the courts of judicature are not to interfere in any shape, or receive any complaints or representations whatever regarding the distribution.

Invalids to be present at the periods of inspection and payment.

XXX. The invalids are to be present at their respective tannahs at the periods of inspection and payment of the proportion of their pay which Government may judge it proper to continue to them in addition to the provision in land, in failure of which they are to be struck off the establishment. The courts of judicature are not to receive any complaints or representations that may be presented to them by any invalid for having been struck off the establishment under this section.

Rules in Section V. to be considered immediately applicable only to lands granted after the 25th February 1793; but the lands in the tannahs in Boglepore and Behar to be brought under the above-mentioned section, as soon and as far as may be practicable.

XXXI. *First.* The rules in Section V. are to be considered as immediately applicable to the lands only which have been granted to invalids subsequent to the 25th February 1793, or that may be hereafter granted to them. But the Collectors are to endeavour to bring the lands in the tannahs established previous to that date in Behar and Boglepore, under the rules prescribed in the above-mentioned section, as far as may be practicable, consistently with the terms on which the lands were made over to the original grantees, by prevailing upon the present occupants and the Zemindars to enter into agreements to that effect. By this means the nature of the tenure of the former will be defined and the rights of the latter preserved; all the invalid establishments will be under one uniform system; and the rights both of the Zemindars and the invalids, and their respective heirs and successors, as founded upon the terms of the deeds of agreement, will be equally under the protection of the laws. For the attainment of the above object, the Collectors and the regulating officers are to conform to the following instructions.

Second. To endeavour to conclude agreements with the Zemindars, rendering all lands now held by invalids or their heirs, in Boglepore and in Behar (excepting the lands granted to the invalids under the Regulations of the 18th February 1789), subject to the conditions specified in Section V. of this Regulation.

To enter into agreements with the Zemindars subjecting the lands above-mentioned to the terms in Section V.

Third. To new-model the tannahs in Boglepore and Behar, as far as relates to the proportions of land, and to fix for each invalid now on the establishment the quota of land assigned for his rank by Section XXVIII., and to extend this rule to the heirs and successors of invalids who have come into possession of jaghires, resuming both from invalids, and the heirs or successors of invalids, whatever quantity of land may have been granted to them exceeding that proportion, excepting where the occupants shall have brought into cultivation a larger quantity of land than is now fixed for their respective ranks or the ranks of their ancestors or predecessors, in which cases they are not to be deprived of any part of the land that is in actual cultivation, but to continue to possess the whole under the conditions above prescribed.

To new-model those tannahs, as far as regards the proportions of land, under the restrictions herein prescribed.

XXXII. The several rules for administering justice in tannahs, established subsequent to the 25th February 1793, are to be considered to extend to the tannahs already established in Boglepore and Behar.

Rules for the administration of justice, &c. declared applicable to the tannahs mentioned in the preceding section.

XXXIII. *First.* No part of the rules in the preceding sections of this Regulation are to be considered applicable to the invalids who have accepted of double portions of land, under the resolutions of the Governor General in Council passed on the 18th February 1789 and the 24th December 1790. Those invalids are dispersed in different parts of the country, receive no pay, are under no military control, and are entirely unconnected with the service. They are to be considered as tenants of the landholders in whose estates they are settled, and are subject to the jurisdiction of the civil and criminal courts of judicature, in the same manner as other individuals. To secure them and their heirs in the possession of the lands which have been made over to them, the Collectors are to apply to the Zemindars to grant them pottahs, confirming the land to them and their heirs as pottah talooks, agreeably to the terms of the above-mentioned Regulations, under which they received the lands, and which, as far as they regard the provinces of Bengal, Behar, and Orissa, are hereafter inserted, as the rules by which all questions regarding any such grants as may have been made are to be decided.

Rules in the preceding sections not applicable to the invalids who accepted of double portions of lands, under the resolutions of the 18th February 1789 and 24th December 1790.

Second. Regulations of the 18th February 1789, Article 1st. Such invalid Sepoys and native troops now at Monghir, and all who shall hereafter be invalided, as may be desirous of receiving grants of waste land in lieu of the pay allowed them by Government, upon taking a final discharge from the service shall be entitled to the same in the following proportions, according to their rank:

Invalids allowed the portions of land herein specified upon taking a discharge from the service.

Commandants of infantry, and Russuldars of cavalry	600 begahs.
Subadars of ditto, and first Jemadar of ditto	400
Jemadars of ditto, and second Jemadar of ditto	200
Havildar of ditto, and first Duffadars of ditto	120
Naiks of ditto, and second ditto ditto	100
Sepoys and troopers	80

Serangs, as Jemadars; Tindals, as Havildars; Cossobs, as Naiks; Lascars, as Sepoys.

Lands to be granted in Behar, Shahabad, or Rotas, wherever the invalids may point out.

Third. 2d. The lands shall be granted either in sircar Behar, Shahabad, or Rotas, and in such villages as each individual may point out.

Collectors how to proceed if lands cannot be procured in the villages which the invalids may point out.

Fourth. 3d. Should any objection occur to the Collectors of the above districts to granting waste lands to any individual in the village which he may fix upon, they are to allot lands to him in some of the villages most contiguous thereto, and to the granting of which no objection exists.

Government may assign lands in other districts, besides those specified in article 2d.

Fifth. 4th. Waste lands are to be granted to the invalids in other districts, exclusive of those above-mentioned, in such particular instances as the Governor General in Council may think proper.

Rules to be observed by the Collectors in selecting lands for invalids.

Sixth. 5th. The Collectors of Behar and Shahabad are to be directed to make it a rule to select, as far as may be in their power, such tracts of waste land for the invalids as may be brought into cultivation with the least difficulty, and at the smallest expense, and the quality of which may be such as to afford a produce adequate to the labour of the tillage; and that they be contiguous to parts of the country now in a state of cultivation, in order that the invalids may have an opportunity of procuring with greater facility such assistance as may be requisite for enabling them to establish themselves upon their lands.

Original grantee to hold the lands rent-free for life.

Seventh. 6th. The original grantee shall hold the lands allotted to him rent-free for life, without being subject to any tax or demand whatever.

Sunnuds for the lands by whom to be granted.

Eighth. 7th. The sunnuds for the lands so granted in Behar, Rotas, and Shahabad, shall be made out under the official seal and signature of the Collectors of those districts, who are respectively required to keep a register of all such grants, and to transmit copies thereof annually to the Board of Revenue.

Upon the death of an invalid, his lands to descend to his heirs upon the terms herein specified.

Ninth. 8th. Upon the death of the original grantee, his lands are to be continued to his heirs at law at a fixed jumma, to be assessed by the Collectors aforesaid, in their respective districts, upon an estimate of the actual neat produce, after deducting one-tenth therefrom to be annually paid to the Zemindar, as malikanah, by the mocurrery holder, who shall thenceforward be considered upon the same footing as other persons in the province holding lands at a fixed rent.

Heirs of the invalids to receive the prescribed sunnuds, and to hold the lands whilst they discharge the malikanah and rent.

Tenth. 9th. The Collectors above-mentioned having fixed the rent payable to Government and the amount of the Zemindar's malikanah, as directed in the preceding article, shall cause mocurrery sunnuds to be drawn out and authenticated in the mode prescribed in the seventh article, in the name of the heirs of the deceased, who shall accordingly hold the said lands in perpetuity, so long as they shall continue to discharge the rent and malikanah with which they may be so assessed.

Terms on which the heirs of invalids who may die within the first five years are to succeed to the lands of the deceased.

Eleventh. 10th. If the original grantee shall die within five years from the date of his grant, his heirs shall continue to hold the lands rent-free until the said period of five years from the date of such grant shall have elapsed, at the expiration of which the lands shall be assessed and held by him as directed in the two preceding articles.

Consequences attending the non-payment of the rent and malikanah.

Twelfth. 11th. Should any of the Mocurrerydars aforesaid omit to discharge the amount of the rent of Government, and the malikanah payable to the Zemindar, their mocurrery leases, with the rights and privileges thereto annexed, are to be sold to the best bidder, for the liquidation of the amount of the demands against them.

Gratuity in money to be granted to invalids.

Thirteenth. 12th. And in order that the men who may hereafter prefer this provision to the Boglepore establishment, may be the better enabled to provide themselves with the implements of husbandry and the means of cultivating the lands assigned to them, it has been further agreed to grant to the several ranks a gratuity in money in the following proportions:—

To each rank entitled to receive	600 begahs......	150 sicca rupees.
Ditto	ditto 400	ditto 100
Ditto	ditto 200	ditto 50
Ditto	ditto 120	ditto 30
Ditto	ditto 100	ditto 20
Ditto	ditto 80	ditto 15

Landholders not to be subject to the payment of any increase of revenue to Government for the rent or malikanah herein specified.

Fourteenth. Regulation of the 24th December 1790. To obviate any objections which the landholders may entertain to the allotment of waste lands to invalids, the whole amount of the fixed jumma to be assessed upon such lands after the death of the original grantee, agreeably to the Regulations of the 18th February 1789, shall belong to the proprietor of the village in which such lands may be situated; and he shall not be subject to any additional demand on the part of Government on account thereof, during the term of the engagements that may exist between him and Government, at the time that the lands so granted may become liable to the payment of such jumma.

A. D. 1793. REGULATION XLIV.

A.C.

A Regulation *for prohibiting the fixing the Jumma of dependent Talooks, or granting Leases or Pottahs for a Term exceeding ten Years; and, in Cases of Lands being disposed of at public Sale for the Discharge of Arrears of the public Revenue, for rendering null and void all Engagements (with certain Exceptions) subsisting between the defaulting Proprietor and his dependent Talookdars, Under-farmers, and Ryots, for the Payment of Rent or Revenue on account of the Lands so sold:* Passed *by the Governor General in Council on the* 1*st May* 1793 *(corresponding with the* 21*st Bysaak,* 1200 *Bengal era; the* 6*th Bysaak,* 1200 *Fussily; the* 21*st Bysaak,* 1200 *Willaity; the* 6*th Bysaak,* 1850 *Sumbut; and the* 19*th Ramzaan,* 1207 *Higeree).*

Preamble.

I. The public demand upon the estates of the proprietors of lands with whom a settlement has been or may be concluded under the original regulations for the decennial settlement, having been declared fixed for ever, it is to be apprehended that many proprietors, either from improvidence, ignorance, or with a view to raise money, or from other causes or motives, may be induced to dispose of dependent talooks to be held at a reduced jumma, or fix the jumma of the dependent talooks now existing in their respective estates at an under-rate, or let lands in farm or grant pottahs for the cultivation of land at a reduced rent for a long term or in perpetuity. Such engagements, if held valid, would leave it in the power of weak, improvident, or ill-disposed proprietors, to render their property of little or no value to their heirs; promote vice and injustice; occasion a permanent diminution of the resources of Government arising from the lands, in the event of the rent or revenue reserved by such proprietors being insufficient for the discharge of the amount of the public demand upon their estates; be an abuse of the great and lasting benefit which has been conferred upon the landholders by the possession of their lands being secured to them in perpetuity at a fixed assessment; and moreover be repugnant to the ancient and established usages of the country, according to which the dues of Government from the lands (which consist of a certain proportion of the annual produce of every begah of land, demandable according to the local custom in money or kind, unless Government has transferred its right to such proportion to individuals for a term or in perpetuity, or fixed the public demand upon the whole estate of a proprietor of land, leaving him to appropriate to his own use the difference between the value of such proportion of the produce and the sum payable to the public so long as he continues to discharge the latter), are unalienable without its express sanction. It is, at the same time, essential that proprietors of land should have a discretionary power to fix the revenue payable by their dependent Talookdars, and to grant leases, or fix the rents of their lands for a term sufficient to induce their dependent Talookdars, under-farmers, and Ryots, to extend and improve the cultivation of their lands, and that such engagements should be held inviolable in all cases, except where they may interfere with or affect in any shape the primary and indefeasible rights of Government. Upon the above grounds, and as the proprietors of land, previous to the decennial settlement being declared perpetual, were not entitled to enter into any engagements with their dependent Talookdars, under-farmers, or Ryots, for a period extending beyond the term of their own engagements with the public, the Governor General in Council has enacted as follows.

Jumma of dependent Talookdars not to be fixed, nor farms or pottahs granted, for a term exceeding ten years.

Engagements for ten years or less not renewable at any period during the term of them, except in the last year.

All evasions of this rule null and void.

All engagements, leases, and pottahs, which have been or may be granted, repugnant to this Section, declared void

II. No Zemindars, independent Talookdars, or other actual proprietors of land, nor any persons on their behalf, shall dispose of a dependent talook to be held at the same or at any jumma, or fix at any amount the jumma of an existing dependent talook for a term exceeding ten years, nor let any lands in farm, nor grant pottahs to Ryots or other persons for the cultivation of lands, for a term exceeding ten years. Nor shall it be lawful for any Zemindar, independent Talookdar, or other actual proprietor of land, who may have entered into an engagement with any dependent Talookdar, fixing the jumma of his talook for a term not exceeding ten years, or let any lands in farm, or grant pottahs for the cultivation of lands for a term not exceeding ten years, to renew such engagement, lease, or pottah, at any period before the expiration of it, excepting in the last year; at any time during which it shall be lawful for the parties to renew such engagement, lease, or pottah, upon the same or any other terms, for a period not exceeding ten years, calculating from the expiration of the year in which such renewal may take place. All evasions of the prohibitions contained in this section, by entering into two separate engagements, leases, or pottahs, at the same time; dating an engagement, lease, or pottah, subsequent to the period at which it may have been actually executed; or by any other device, shall be considered as an infringement of them; and every engagement fixing the jumma of a dependent Talookdar, and every lease or pottah which has been or may be concluded or granted in opposition to such prohibitions, is declared null and void.

III. Where

Existing engagements between proprietors and their dependent Talookdars, under-farmers, and Ryots, if conformable to this Regulation, not to be affected by divisions of the estate made pursuant to judicial decrees, or the request of the joint proprietors.

III. Where a division of a joint estate shall be made at the request of the proprietors, or pursuant to the decree of a court of justice, the fixed public revenue assessed upon the whole estate shall be apportioned on the several shares, agreeably to the principles prescribed in Section X., Regulation I. 1793, without regard to any engagements that may subsist between the proprietors and their dependent Talookdars (excepting the dependent Talookdars described in Section VII.), under-farmers, or Ryots. But the sharers shall not demand from the dependent Talookdars, under-farmers, or Ryots, in their respective shares, any sum beyond the amount specified in the engagement, lease, or pottah, which may have been entered into between them and the proprietors jointly, previous to the division of the estate: provided that such engagement, lease, or pottah, be not repugnant to the rules prescribed in Section II., and such dependent Talookdars, under-farmers, or Ryots, shall duly perform their part of it; but it shall remain in full force (excepting in the event of the lands being disposed of at public sale for the discharge of arrears of the public assessment), until the term of it shall have expired.

Engagements abovementioned not to be affected by the transfer of the lands by public sale (except for arrears of revenue) or by any private act of the proprietors.

IV. If the whole or a portion of any estate shall be transferred by public sale (excepting it be so disposed of for the discharge of arrears of the public revenue), or by private sale, gift, or otherwise, or devolve to any person upon the death of the former proprietor, according to the Hindoo or Mahomedan law of inheritance, the person or persons to whom the lands shall be so transferred or may so devolve, shall not demand from the dependent Talookdars, under-farmers, or Ryots in the lands transferred, any sum beyond the amount specified in the lease, pottah, or other engagement, for the payment of rent or revenue which may have been entered into between them and the former proprietor, previous to the transfer or devolution: provided that such engagement be not repugnant to the rules prescribed in Section II., and that such dependent Talookdars, farmers, or Ryots, duly perform their part of it, but it shall remain in full force until the term of it shall have expired.

When lands are sold to make good arrears of public revenue, all engagements subsisting between the proprietors and their dependent Talookdars, farmers, and Ryots, on account of such lands, to be null and void.

Exception to the rule.

V. Whenever the whole or a portion of the lands of any Zemindar, independent Talookdar, or other actual proprietor of land, shall be disposed of at public sale for the discharge of arrears of the public assessment, all engagements which such proprietor shall have contracted with dependent Talookdars whose talooks may be situated in the lands sold, as also all leases to under-farmers, and pottahs to Ryots for the cultivation of the whole or any part of such lands (with the exception of the engagements, pottahs, and leases, specified in Sections VII. and VIII.), shall stand cancelled from the day of sale, and the purchaser or purchasers of the lands shall be at liberty to collect from such dependent Talookdars, and from the Ryots or cultivators of the lands let in farm, and the lands not farmed, whatever the former proprietor would have been entitled to demand according to the established usages and rates of the pergunnah or district in which such lands may be situated, had the engagements so cancelled never existed.

This Regulation not to prohibit proprietors from disposing of dependent talooks.

VI. Nothing contained in this Regulation shall be construed to prohibit any Zemindar, independent Talookdar, or other actual proprietor of land, selling, giving, or otherwise disposing of any part of his lands as a dependent talook.

Nor to affect the jumma of the Talook.

VII. Nor to authorize the assessment of any increase upon the lands of such dars, whose jumma is declared unalterable by Section LI., Regulation VIII. 1793.

dependent Talookdars, as were exempted from any increase of assessment at the forming of the decennial settlement, in virtue of the prohibition contained in Clause First, Section LI., Regulation VIII. 1793. The revenue payable by such dependent Talookdars is declared fixed for ever, and their lands are accordingly to be rated at such fixed assessment, in all divisions of the estate in which their talooks are included.

Nor to prohibit grants or leases for any term for the purposes herein specified, except to British subjects and Europeans.

VIII. Nor to prohibit actual proprietors of land granting, without the sanction of Government or its officers, to any person not being a British subject or a European, a lease or pottah for ground for any term of years, or in perpetuity, for the erection of dwelling-houses, or buildings for carrying on manufactures, or for gardens, or other purposes, and for offices for such houses or buildings.

A.D. 1793. REGULATION XLV.

A REGULATION *for disposing of Mulguzarry and Lakheraje Lands at public Sale, pursuant to Decrees of the Courts of Justice:* PASSED *by the Governor General in Council on the* 1st *May* 1793 *(corresponding with the* 21st *Bysaak,* 1200 *Bengal era; the* 6th *Bysaak,* 1200 *Fussily; the* 21st *Bysaak,* 1200 *Willaity; the* 6th *Bysaak,* 1850 *Sumbut; and the* 19th *Ramzaan,* 1207 *Higeree).*

I. IN cases in which portions of estates may be ordered to be sold in satisfaction of decrees of the courts of judicature, it is necessary for the security of the public revenue, that the jumma to be charged on the lands directed to be disposed of, should be adjusted agreeably to the principles prescribed in Section X., Regulation I. 1793. The Board of Revenue and the Collectors being in possession of the accounts and information necessary for the adjustment of the jumma, and as the superintending the details of the attachment and sale of lands would necessarily occupy much of the time of the courts, and often occasion a delay in the enforcement of the decree, and it being necessary that Government should have the means of compelling the proprietors to furnish the requisite accounts and information for enabling the public officers to apportion the jumma, and that the courts by which the decrees may have been passed, or to which the enforcing of them may be committed, should be vested with a power of countermanding or postponing the sale, in the event of the amount of the decree being discharged previous to the sale being made, or for other cause that may appear to them sufficient, the following rules have been accordingly enacted.

Copy and translate of decrees to be enforced by the sale of mulguzarry lands, to be transmitted to the Board of Revenue.

II. When a court of civil judicature shall have occasion to have recourse to the sale of lands paying revenue to Government, in satisfaction of a decree, the court by which the decree is to be enforced is to transmit a copy of the decree, without any other part of the proceedings, and a translate of it in English, to the Board of Revenue.

Board of Revenue to proceed to the sale of the lands without delay.

III. The Board of Revenue are to proceed, with all practicable despatch, to dispose of such portion of the lands of the party against whom the decree may be given, as may be sufficient to make good the amount of it. The Board are to cause the lands to be disposed of at the Presidency, or in the zillah in which the lands may be situated, according as they may deem most advantageous to the proprietor. The Board are to report, for the information of the Governor General in Council, all orders for sales of lands which they may issue under the powers vested in them by this Regulation, immediately on the same being issued by them.

Orders for sales of lands to be reported to the Governor General in Council.

IV. The public jumma or revenue to be charged on the portion of any estate ordered to be put up to sale, is to be adjusted agreeably to the principles prescribed in Section X., Regulation I. 1793.

Public revenue to be charged on the lands sold, to be fixed agreeably to Section X., Regulation I. 1793.

V. The Board of Revenue are empowered, in cases in which it may appear to them expedient, to direct the Collector to attach the lands ordered to be sold, by deputing an Aumeen to take charge of them, or by placing them under the nearest Tehseeldar or other Revenue officer. The officer to whom the lands may be committed is to collect the rents and revenues, to prevent waste being committed by the proprietor, and to furnish any information that may be required for the adjustment of the jumma.

Board of Revenue empowered to order the attachment of lands directed to be sold.

VI. The expenses attending the attachment and sale of the lands, after being approved by the Board of Revenue, are to be charged to the account of the proprietor, and are to be defrayed either from the collections made from the lands or from the proceeds of the sale, if the collections shall be insufficient for that purpose.

Expenses of the attachment and sale to be defrayed by the proprietor.

VII. The proprietor of the lands to be sold may appoint his Dewan, or any other person whom he may think proper, to keep a counterpart of the accounts of the receipts and disbursements of the Aumeen. The Aumeen is to collect according to the engagements that may subsist between the proprietor and his dependent Talookdars, under-farmers, and Ryots, and is not to make any alterations whatever in such engagements, or exact more than the amount specified in them, whether they be conformable to Regulation XLIV. 1793 or not; and he shall be liable to a prosecution in the Dewanny Adawlut for any alteration or infringement of such engagements in opposition to this section. In cases in which no engagements may exist between the proprietor and his dependent Talookdars, under-farmers, or Ryots, the Aumeen is to collect from them according to the established rates and usages of the pergunnah. The Aumeen shall likewise be subject to a prosecution by the proprietor or farmer of the estate for embezzlement or injuries done to the estate or farm, during the time that the collection of the rents and revenues of it may be entrusted to him.

Proprietor of the lands may appoint officers to keep counterparts of the Aumeen's accounts.

Rules to be observed by the Aumeen in making the collections.

VIII. The rules in the preceding section with regard to Aumeens are to be considered equally applicable to Tehseeldars or other officers, to whose charge lands ordered to be sold may be committed.

Rules in the preceding Section applicable to Tehseeldars or other officers appointed to take charge of the lands ordered to be sold.

IX. If a proprietor, or (if the lands be let in farm) a farmer, or his surety, shall resist, or cause to be resisted, the Aumeen or other officer whom the Collector, by the authority of the Board of Revenue, may direct to attach lands ordered to be sold, the Collector is to proceed against the offender in the manner in which he is directed in Regulation XIV. 1793, to proceed against

Punishment for resisting, or causing to be resisted, the officer deputed to attach the lands to be sold.

against proprietors and farmers, or their sureties, who resist the process which he may issue under Section V. of that Regulation; and all the rules contained in that Regulation respecting proprietors, farmers, or sureties, who may resist, or cause to be resisted, the process issued by Collectors under that section, are to be considered applicable to proprietors, farmers, or sureties, who may resist, or cause to be resisted, the officer who may be ordered by the Collector to attach their lands under Section V. of this Regulation. Any other descriptions of persons guilty of the offence specified in this section, shall be subject to the same process and punishment as sureties so offending.

Penalty for proprietors or farmers who may not attend or depute an agent, with the accounts and information necessary for the adjustment of the jumma.

X. The proprietor, or (if the lands be let in farm) the farmer of the lands ordered to be sold, upon receiving a written order for that purpose from the Collector, under his official seal and signature, shall attend the Aumeen or other officer in person, or order an agent, duly empowered and informed, to attend him, if the Collector shall deem it sufficient to require the attendance of an agent only, with any accounts of the collections and jumma of the lands ordered to be sold, or the estate of which they may form a part, for the purpose of adjusting the jumma at which the lands are to be disposed of. If the proprietor or farmer shall omit or refuse to attend, or to cause an agent of the description above specified to attend, by the time prescribed in the Collector's requisition, with the accounts and information required, the Board of Revenue are empowered to impose such daily fine upon him until he complies with the Collector's requisition, as they may think adequate to his situation and circumstances in life; reporting, however, the amount for the confirmation of the Governor General in Council. The fine is to be levied by the same process as is prescribed for the recovery of arrears of revenue.

Proprietors and farmers to cause the attendance of the Putwarries and Zemindarry officers on the Aumeen or officer, on receiving a written requisition to that effect from the Collector.

XI. The proprietor or farmer shall likewise cause the Putwarries to attend the Aumeen or other officer, to assist him in making the collections, and for the purpose of furnishing him with the accounts and information necessary for adjusting the jumma, as required by Section LXII., Regulation VIII. 1793, as well as any other of the zemindarry officers whose assistance or attendance may be required for the above purposes, upon receiving a written requisition from the Collector to that effect; and in the event of his omission or refusal, he shall be subject to the same penalty as for the breach of the rules in the preceding section.

Publication of the sale where to be made, how long to be fixed up, and what it is to contain.

XII. Previous to any sale of land taking place, a publication is to be made in the Persian and Bengal languages, if the lands shall be situated in Bengal or Orissa, or in the Persian language and in the Hindostanee language and Nageree character, if the lands shall lie in Behar, specifying the jumma at which the lands, or the several lots of them if they are ordered to be sold in two or more lots, are to be disposed of, and the place, date, and hour of the day fixed for the sale, and the proportion of the revenue payable on account of the year in which the sale of the lands may take place, for which the purchaser is to be responsible, or if the exact proportion cannot be ascertained, the rules by which the amount of it is to be adjusted. The publication is to be fixed up in some conspicuous place in the court room of the Dewanny Adawlut of the zillah, the office of the Collector, the principal town or village in the lands to be sold, and the office of the Secretary to the Board of Revenue. The publication is to be fixed up at the several places above-mentioned for a term not less than one month before the sale takes place. The other conditions of sale contained in Sections XIII. and XIV., as well as any other stipulations that may be made, are to be fixed up in a conspicuous part of the room in which the sale may be directed to take place, on the day of sale and during the three days preceding it.

Other conditions of sale to be fixed up in the room in which the sale is to take place.

Deposit of five per cent. to be made by the purchaser at the time of the sale.

Consequences of not paying the purchase-money by the limited time.

XIII. A deposit of five per cent. on the amount of the purchase-money is to be made at the time of the sale by the purchaser of the lands. If the purchaser shall omit to discharge the purchase-money within the period which may be stipulated, he is to forfeit the deposit to Government, and the lands are to be resold at such purchaser's expense. If the lands shall be disposed of at a lower price than that offered by the first purchaser, he is to make good the deficiency: if a profit shall arise on the second sale, it is to be carried to the credit of the proprietor.

First purchaser how to be proceeded against, in the event of his omitting to make the deposit, or to pay any deficiency or expense arising on a resale.

XIV. If the first purchaser shall refuse or omit to make the deposit, or to pay within the required time the amount of the deficiency and the expenses arising on the resale, after being served by the Collector of the zillah in which he may be or reside, or by the Board of Revenue if he shall be in Calcutta, with a written demand for the amount, similar to that directed in Section III., Regulation XIV. 1793, to be served on proprietors and farmers of land from whom arrears of revenue are due, the amount shall be levied from him by the same process as is prescribed for enforcing decrees of the courts of judicature.

Purchasers not to be responsible for arrears or suspensions of revenue, unless otherwise stipulated.

By whom arrears and suspensions of revenue are to be made good.

Rule respecting arrears of rent or revenue due to the former proprietor.

XV. The purchasers of land sold under this Regulation are not to be held responsible for any arrears or suspensions of revenue that may be due to Government from the lands prior to the year in which the purchase may be made, unless it shall be otherwise stipulated in the conditions of sale. Arrears or suspensions not so stipulated to be made good by the purchaser, are to be paid from the proceeds of the sale, or by the former proprietor, or recovered by the prescribed process against any other property which he may possess, or against both his property and person if necessary. Arrears of rent or revenue that may be due to the former proprietor from his dependent Talookdars, under-farmers, or Ryots, preceding the date on which the lands may be sold, are to belong to him, and are to be recoverable by him by suit in the Dewanny Adawlut of the zillah. The defaulting proprietor, however, shall be at liberty to transfer his right to such arrears to the new proprietor.

Courts empowered to countermand or postpone sales of lands ordered to be made in satisfaction of decrees.

XVI. Where a sale of the lands of any person shall have been ordered to take place in satisfaction of a decree, the court by which the decree may have been passed, or to which the enforcing of it may be committed, is empowered, in the event of the amount of the decree being discharged, or for other cause that may appear to them sufficient, to countermand or postpone the sale, by issuing a precept to that effect to the Collector, if the lands shall have been ordered to be sold by the Collector, or by an address to the Board of Revenue, if the lands shall have been directed to be sold by them, in which precept or address the court shall state their reasons for ordering the sale to be countermanded or postponed; and, in the latter case, if it shall appear to them proper so to do, they may prescribe a date for the sale of the lands. The Board of Revenue and the Collector are to conform to the requisitions of such precepts or addresses from the courts for countermanding or suspending the sale of lands.

Rules in the preceding sections to be applied to lands held exempt from the payment of revenue of Government, as far as they are applicable.

XVII. The rules in the preceding sections are to be considered applicable to lands held exempt from the payment of revenue to Government, as far as they may be applicable to the circumstances thereof, with this addition, that the purchaser of such exempted lands is to be considered as having succeeded only to the rights of the former proprietor, and that the transfer is not to bar any claims of Government for the recovery of the public dues from such lands under Regulations XIX. and XXXVII. 1793, or any other Regulation that may be hereafter enacted.

Transfer of such exempted lands by public sale in liquidation of decrees, not to affect the rights or claims of Government.

Transfer of lands to be entered in the public registers.

XVIII. When the sale of the lands shall have taken place, the Collector is to cause the entries of the transfer to be made in the public registers, as prescribed in Regulations XIX., XXXVII., or XLVIII. 1793, according to the description of the property transferred.

A. D. 1793. REGULATION XLVI.

A REGULATION *for admitting Persons of certain Descriptions to sue in the Courts of Civil Judicature as Paupers:* PASSED *by the Governor General in Council on the 1st May 1793 (corresponding with the 21st Bysaak, 1200 Bengal era; the 6th Bysaak, 1200 Fussily; the 21st Bysaak, 1200 Willaity; the 6th Bysaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higeree).*

Preamble.

I. THAT persons unable to appear and plead their own causes may not be debarred from the recovery of their rights, in consequence of not being able to give the security required by Regulation VII. 1793, for the payment of the fees of the pleaders, and at the same time that individuals may be deterred from preferring groundless or litigious suits, and evading entering into the required security for the payment of the prescribed fees under the pretext of inability to procure it, the following rules have been enacted.

Courts empowered to admit persons to plead as paupers on their giving security for their appearance.

II. If any person who may be desirous of preferring a suit to any of the courts of civil judicature, and who may be precluded from pleading his cause in person, shall represent that he is unable to give the security required by Section IX., Regulation VII. 1793, for the payment of the fees of the Vakeels, and such inability shall be proved to the satisfaction of the court by the oath of the plaintiff or appellant, and of two credible witnesses that they believe such oath to be true, the court is empowered to admit the suit, on the plaintiff or appellant finding two good and sufficient sureties for his appearance whenever his attendance may be required by the court.

Courts how to proceed in the event of the plaintiff or appellant being cast, and the suit proving litigious or vexatious.

III. If the plaintiff or appellant shall not establish his claim, and the court shall deem the suit frivolous or vexatious, and the plaintiff or appellant shall not pay the amount of his own fees, and the fees and costs which may be awarded against him in favour of the opposite party, the court is authorized to commit him to close custody for any space of time not exceeding three months; and if the two sureties shall not produce the plaintiff or appellant, so that he may be proceeded against as above directed, or cause the fees and costs to be paid, the court shall commit such sureties to the common gaol, for any space of time not exceeding three months; and the plaintiff or appellant, or the sureties, who may be so committed, after he or they shall have been confined for the prescribed time, shall be discharged. But if a plaintiff or appellant who may have sued as a pauper under this Regulation, and who may have been cast, and shall not have paid the fees and costs, shall afterwards be found to possess property sufficient to make good the amount, the court, whether the suit shall have been pronounced litigious or otherwise, are to proceed against such property for the recovery of it.

Fees and costs awarded against paupers found to possess property adequate to the discharge of the amount, to be recovered by the court.

IV. If a plaintiff or appellant suing as a pauper under this Regulation shall gain his suit, the court are to cause the defendant or respondent to make good the amount of the fees to the Vakeel suing for such pauper, or such part of it as the court may decree.

By whom the fees of the Vakeels of paupers are to be made good, in the event of their gaining the suit.

V. The authorized Vakeels in the several courts are permitted to undertake the causes of paupers under this Regulation.

Authorized Vakeels allowed to undertake the suits of paupers.

VI. If a pauper shall be unable to prevail on any of the Vakeels to undertake his suit under this Regulation, and the court shall be satisfied of his inability to plead the cause in person, the court may, in cases in which, for special reasons, it may deem it proper so to do, require one of the Vakeels of the court to undertake and plead the suit. The courts are to enter on the record of the trials their reasons for every exercise of the power vested in them by this section.

Provision for cases in which paupers shall be unable to prevail on the Vakeels to undertake their suits under this Regulation.

A.D. 1793. REGULATION XLVII.

A Regulation *for providing for Differences of Opinion between the Judges of the Provincial Courts of Appeal and Courts of Circuit, and prescribing Rules regarding other Matters connected with their official Situations:* Passed *by the Governor General in Council on the* 1*st May* 1793 *(corresponding with the* 21*st Bysaak,* 1200 *Bengal era; the* 6*th Bysaak,* 1200 *Fussily; the* 21*st Bysaak,* 1200 *Willaity; the* 6*th Bysaak,* 1850 *Sumbut; and the* 19*th Ramzaan,* 1207 *Higeree).*

I. The following provisions are made for cases in which a difference of opinion may arise amongst the Judges of the provincial courts of appeal and courts of circuit, and for other matters connected with their official duty.

II. In all cases in which a difference of opinion may arise amongst the Judges of a provincial court of appeal or a court of circuit, the opinion of the majority shall determine. When there shall be only two Judges in court, the senior of the two Judges shall have a casting vote. Each Judge, however, shall have the liberty of recording the grounds of his opinion on the proceedings of the court.

Provisions respecting differences of opinion.

III. Two

Two Judges to form a court of appeal.

III. Two Judges shall be necessary to hold a court of appeal.

Decrees not valid unless passed by two Judges in court.

Decrees to be signed by Judges present.

IV. No decree in a suit or appeal brought before a provincial court of appeal shall be valid, unless passed by two Judges present in court. The decrees are to be signed by the Judges by whom they may be passed.

Meetings of the courts.

V. The provincial courts of appeal are to meet on three fixed days in each week, whilst they are at the sudder station, or oftener if business shall require it. The extra-meetings are to be summoned by the Register, upon receiving orders for that purpose from the first Judge, or the senior Judge on the spot, to whom it shall be left to determine when and how often such extra-meetings shall be summoned. But the courts shall not sit on Sunday, on any occasion whatever.

Rules relating to the absence or indisposition of any of the Judges.

VI. The Judges of the provincial courts of appeal are not to absent themselves from their stations without the previous sanction of the Sudder Dewanny Adawlut, nor shall any Judge omit to sit in court on court days, unless prevented by indisposition or other unavoidable cause, which shall be entered on the proceedings of the court. If a Judge shall be under the necessity of absenting himself from court for three meetings successively, he shall notify the same to the Sudder Dewanny Adawlut, with the circumstances that prevented his attendance.

A.D. 1793. REGULATION XLVIII.

A REGULATION *for forming a quinquennial Register of the landed Estates in Bengal, Behar, and Orissa, subject to the payment of Revenue to Government, and of the Amount of the fixed annual Revenue payable to Government from each Estate;* PASSED *by the Governor General in Council on the* 1*st May* 1793 *(corresponding with the* 21*st Bysaak,* 1200 *Bengal era; the* 6*th Bysaak,* 1200 *Fussily; the* 21*st Bysaak,* 1200 *Willaity; the* 6*th Bysaak,* 1850 *Sumbut; and the* 19*th Ramzaan,* 1207 *Higeree).*

I. THE public revenue assessed upon each estate, under the rules for the decennial settlement, being fixed in perpetuity, and each estate being liable in progress of time to be divided and formed into two or more estates, either in consequence of one or more of the proprietors now possessing, or who may succeed to it, requiring the separate possession of his or their respective share or shares, or from a part of the estate being transferred by gift, sale, or other private act of the proprietor or proprietors, or by public sale, and the security of the public revenue depending upon the allotment of it on each portion of every estate so divided being made agreeably to the rules prescribed in Regulation I. 1793; and it being necessary for enabling the officers of Government to apportion the public revenue in conformity to the rules contained in that Regulation, and for affording Government the means of tracing every deviation from those rules, that there should be kept a register of all estates paying revenue to Government, the annual revenue charged upon each of them, and the names of the proprietors, and also of the transfer of estates or portions of estates, and of the allotment of the public revenue upon such portions, and of the union of estates which may have originally formed parts of the same zemindarry, talook, or chowdrai; and that every such union, and all such transfers, divisions, and allotments of the public revenue that have taken place since the commencement of the decennial settlement, or which may hereafter occur, should be traceable with facility and certainty at any future period; and it being also requisite for financial purposes, and for the information of the courts of judicature from or to whose jurisdiction any districts or lands may be transferred or annexed, that there should be a record of the transfer of all districts or lands from the jurisdiction of one zillah to that of another; the following rules have been enacted.

Quinquennial register to be prepared of the estates paying revenue to Government, and of the jumma assessed upon each estate.

II. *First.* Every five years, the Collectors of the land-revenue in the several zillahs are to prepare a register of all the estates in their respective zillahs, of whatever denomination or description, the proprietors of which pay the public jumma or revenue assessed upon their estates immediately to Government.

Explanation of the term estate.

Second. By the term estate is to be understood any land being malguzarry, or subject to the payment of public revenue, for the discharge of which a separate engagement has been or may be entered into with Government.

Names of estates to be arranged in alphabetical order.

III. The names of the estates in each zillah are to be arranged in alphabetical order, according to the English alphabet.

Estates to retain their present names.

IV. Estates having names are to retain the names by which they are at present distinguished.

Estates, the names of which are varied upon a change of the proprietor, to retain their present names.

V. Where it is the practice to vary the appellation of estates upon every change of the proprietors, such estates are henceforth to bear the names by which they are at present distinguished.

Proprietors to name their estates, in the event of their not having been distinguished by any particular name.

VI. Estates that have not been distinguished by any particular appellation, are to be named by the proprietor or proprietors, and henceforth to retain the name which may be so given to them. If any dispute shall arise between the proprietors of a joint estate regarding the name to be given to the estate, it shall be determined agreeably to the rules prescribed for electing a manager of a joint undivided estate in Regulation VIII. 1793; with this qualification, that where the votes and interest in the estate may be equal, or the proprietors shall neglect to give a name to the estate upon the requisition of the Collector, he shall name the estate without reference to the Board of Revenue.

Distinguishing appellations to be subjoined to the name of the estate.

VII. *First.* Where estates, in addition to their names, bear the distinguished appellation of talook, tuppa, &c. they are to be placed on the register according to the initial letters of their names, and any such distinguishing appellations, are to be inserted immediately after the names, as follows:

"Akberpore (tuppa or talook)," &c.

Estates which form specific portions of zemindarries, &c. to be stated under the general head of the original estate.

Second. Where a zemindarry, talook, or chowdrai, from whatever cause, shall have been, or may be divided into a number of shares, each consisting of a specific and ascertained proportion of the original estate, and the sharers shall have the separate possession of their shares, and shall have entered into distinct engagements with Government for the payment of the public revenue assessed upon their respective shares, so as to render each share a distinct estate, the shares are to be placed under the head of the zemindarry, talook, or chowdrai, of which they originally constituted a part, as follows:

"Akberpore:
"Six annas,
"Three annas,
"Seven annas."

Such estates, if not specific proportions, not to be registered under the head of the original estate.

Third. If any lands, villages, or mohauls in an estate, not forming an ascertained and specific proportion of the whole estate, shall have been or may be transferred, either by public sale or by any private act of the proprietor, and the new proprietor shall have entered into, or may execute separate engagements to Government for the public revenue, the lands so transferred (which agreeably to Clause Second, Section II., will form a separate estate) are not to be inserted under the head of the zemindarry, talook, or chowdrai, of which they originally formed a part, as directed with regard to the estates described in the preceding clause, but they are to be considered as original and distinct estates, and to be named under the rules above prescribed for the naming of estates.

Parts of the same estate in different zillahs, for which one engagement only has been given, to be registered as kismuts.

Fourth. If parts of the same estate shall be situated in different zillahs, and one engagement only shall have been executed by the proprietor to Government for the whole estate, in such case the portions in each zillah are to be registered as kismuts or parts of the estate, without any specification of the proportion that they may bear to the whole estate, which under such circumstances may not be ascertainable.

Names of the pergunnahs, villages, &c. in each estate to be specified.

Fifth. Under the head of each estate is to be specified the names of all the pergunnahs or other local divisions, and the villages contained therein, alphabetically arranged, and where procurable from the accounts or records that may be obtainable, the rukbah or measurement of each village. A separate column is to be allotted for the measurement of the villages; and where it shall not be immediately procurable, the column shall be left blank for the present, and be filled up at a future period, whenever the villages may be measured by public authority to settle any dispute, or for other purposes.

Sixth. Where estates consist of one, two, or more villages, not comprizing a whole pergunnah, the name of the pergunnah in which the estate may be situated shall be specified.

Jumma to be inserted opposite to each estate.

VIII. The annual revenue assessed upon each estate, or (where parts of an entire estate may be situated in different zillahs) portion of an estate, is to be inserted opposite to it in a separate column.

Names of the proprietors of every estate to be inserted opposite to it.

IX. The name or names of the proprietor or proprietors of every estate shall be inserted opposite to the estate, and if the estate be let in farm, the name of the farmer is to be specified.

Quinquennial registers in the several zillahs when to commence:

X. The quinquennial register to be first formed for the zillahs in Bengal, Behar, and Orissa, shall commence with the Bengal, Fussily, and Willaity year 1202, and shall exhibit the estates in the several zillahs, and the required particulars respecting them, as they may stand at the commencement of that year, of the era current in each province. Upon this register being completed, a similar register shall be forthwith formed, to commence with the year 1197, and show the estates in the several zillahs as they stood at the commencement of that year of each era, being the first of the decennial settlement. The quinquennial register to be formed at the commencement of the year 1207 of the era current in each province, and every succeeding five years, is to exhibit the estates in each zillah as they may stand at that and each subsequent period.

Registers to be numbered.

XI. The register to be first formed, and to commence with the Bengal, Fussily, and Willaity year 1202, is to be numbered *two;* the register to be next formed commencing with the year 1197 of each era is to be numbered *one;* the register to be formed at the commencement of the year 1207 of the respective eras is to be numbered *three;* and every subsequent quinquennial register in the order in which it may be formed.

Size of the paper for the register.

XII. The register for each zillah is to be written on English paper, of the exact size of that on which the form hereafter directed to be prepared by the Board of Revenue may be written, and is to be bound up in one volume, on the back of which there shall be the following inscription:—"*Register of* "*estates paying revenue to Government in the zillah of ...., at the com*-"*mencement of the year ...... Bengal (Fussily or Willaity) era ......, corres*-"*ponding with the year of our Lord ......, Number ......*"

No register to be considered as authentic excepting such as may be paged and signed.
Leaves of the register to be paged, and to be signed by the Judge of the zillah.

XIII. When the draft of the quinquennial register is completed, it is to be transcribed into a book of the prescribed dimensions, each leaf of which shall be previously paged, and be signed by the Judge of the Dewanny Adawlut of the zillah, and on the last leaf of the book the Judge is to specify in his own hand-writing the number of pages contained in it; and no register shall be considered as authentic, but such as may be entered in a book so paged and attested.

Counterpart register in the native languages to be kept by the keepers of the native records.

XIV. It shall be the duty of the keepers of the native records appointed under Regulation XXI. 1793; to keep an exact counterpart of the English register in each zillah, in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the Judge of the Dewanny Adawlut of the zillah, in the same manner as the books containing the English registers, and no other counterparts of the registers of estates shall be considered as authentic but such as may be entered in a book so paged and attested.

In what language the counterpart registers are to be kept.

XV. The counterpart registers in Bengal and Orissa are to be kept in the Bengal and Persian languages; and in Behar, in the Persian language, and the Hindoostanee language and Nageree character.

Manner in which the mutations in property in the intervals between the forming of each quinquennial register are to be recorded.

XVI. For the purpose of recording the divisions of estates, or the transfers of estates, or portions of estates, or the union of estates, that originally formed a part of the same zemindarry, talook, or chowdrai, which may take place during the five years subsequent to the forming of each quinquennial register, the Collectors are to prepare a book, of such dimensions as the Board of Revenue may prescribe, and which shall be denominated the "*Re*-"*gister of intermediate mutations in landed property,*" and have the following inscription on the back:—"*Register of intermediate mutations in landed pro*-"*perty between the commencement of the year ...... and the expiration of the* "*year ......, Bengal (Fussily or Willaity) era.*" Previous to any entries being made in this register it is to be paged, and the Judge of the Dewanny Adawlut of the zillah is to sign each leaf of it, and on the last leaf specify in his own hand-writing the number of pages contained in the book. The Collector shall cause to be entered in this register all divisions of estates, or transfers of estates, or portions of estates, and every union of estates which originally constituted a part of the same zemindarry, talook, or chowdrai, that may take place during the five years subsequent to the formation of each quinquennial register, with the authority by which the same may have been made, and all the particulars necessary for making the required entries in the next quinquennial register, and shall attest the entry with his signature.

Documents to be furnished by Collectors of zillahs from which separations may be made.

XVII. Whenever any estates, or portion of estates, shall be directed to be separated from one zillah and annexed to another, the Collector of the zillah from which the separation may be ordered to take place is to transmit to the Collector of the zillah to which the annexation is to be made, a copy of the entries in the last quinquennial register formed prior to the separation, which may relate to the several estates or portions of estates to be separated, and of any entries respecting them in the register of intermediate mutations which may have taken place subsequent to the forming of the last quinquennial register. These documents are to be entered by the Collector of the zillah to which the annexations may be directed to be made, in the register of intermediate mutations in his zillah, as materials for forming the next quinquennial register.

How separations and annexations altering the jurisdictions of the courts are to be made known to them.

XVIII. The Governor General in Council will direct the order for the separations and annexations specified in the preceding article, to be notified to the courts of judicature from the jurisdiction of which the separation is to take place, and also to the courts to the jurisdiction of which the annexation is to be made. Upon the arrival of the period when the separation and annexation is to be carried into effect, the Collector of the zillah from which the separation may be made is to transmit to the Judge of the Dewanny Adawlut of his zillah, and also to the provincial court of appeal of the division, copies of the entries in the last quinquennial register and register of intermediate mutations, which may relate to the estates or portions of estates to be separated from his zillah, and the Collector to whose zillah the annexation may be made is to transmit copies of the above-mentioned entries (with which he is directed to be furnished by Section XVII) to the Judge of his zillah, and to the provincial court of appeal of the division in which it may be included. Immediately upon the receipt of these papers, the courts, from the jurisdiction of which the separations may be made, are to transmit the papers in the causes depending before them, which in consequence of the separation may become cognizable in any other provincial court of appeal or zillah court, to such court, and to cause notification thereof to be communicated to the parties in writing.

Further rules to be observed in keeping the register of intermediate mutations in property.

XIX. To facilitate reference, as well as the preparing of the new quinquennial register at the end of every five years, the Collector is to insert in the preceding quinquennial register, in red ink, opposite to the name of the estate in the property in which any alteration may have taken place, the number of the page in the register of intermediate mutations in which the alteration may be noted, and at the end of the note of the alteration in the last-mentioned register he is to insert, in red ink, the number of the page in which the estate may be registered in the quinquennial register; and every such entry shall be signed by the Collector, who shall be responsible for the entry being truly and accurately made. The note of the alteration to be entered in the register of intermediate mutations is to specify the requisite particulars for completing the entries in the next quinquennial register, or refer to them if they be contained in the preceding quinquennial register. The Collectors are strictly enjoined never to allow the register of intermediate mutations to fall in arrear, but to make the necessary entries immediately upon any mutation in property, or any separation or annexation of lands from or to their respective zillahs, being notified to them through any of the channels specified in Section XXIV.

Counterpart of the English register of intermediate mutations in property to be kept by the keepers of native records.

XX. A counterpart of the register of intermediate mutations in landed property is to be kept by the keepers of the native records, in the same form as the English register, and in a book the leaves of which are, in like manner, to be paged and attested by the Judge of the Dewanny Adawlut of the zillah.

How errors in the fair copy of the quinquennial register and in the register of intermediate mutations are to be noted.

XXI. When a quinquennial register shall have been transcribed fair into the book attested by the Judge of the zillah, as directed in Section XIII., if it shall be discovered that the entries respecting any estate are erroneous or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand, and the Collector is to cause the errors or omissions to be noted in the register of intermediate mutations, and attest the entry with his signature, and insert in red ink, opposite to the erroneous or incomplete entry in the quinquennial register, the number of the page in the register of intermediate mutations in which the errors or omissions are noted, and at the end of the note specify the number of the page of the quinquennial register, in which the property may be registered. Errors or omissions in the register of intermediate mutations are to be noted in a similar manner.

Similar rule with regard to errors in the counterpart of the quinquennial register and register of intermediate mutations in the native languages.

XXII. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the Collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate mutations in the native languages shall, in addition to the attestation of the keepers of the native records, be signed by the Collector.

Where the titles to estates are disputed, the party in possession to be registered as the proprietor.

XXIII. If the proprietary right in an estate, or the part of an estate, shall be under litigation in a court of justice, at the time of forming the first or any subsequent quinquennial register, the party in possession is to be registered as the proprietor.

Collector from whence to be furnished with the necessary information for making the entries in the register of mutations in property.

XXIV. *First.* The Collectors will be furnished, through the following channels, with the necessary information regarding the mutations in landed property, and the annexations to, or separations from, their respective zillahs, for making the requisite entries in the register of intermediate mutations.

Second. The zillah and city courts are required by Section IX., Regulation IV. 1793, to transmit to them copies of all decrees that they may pass, or which may be sent to them to be enforced by the provincial courts of appeal or the Sudder Dewanny Adawlut, in any respect relating to the proprietary right in lands paying revenue to Government.

Third. The Board of Revenue are to furnish them with the necessary particulars regarding all such lands as may be disposed of by them at public sale at Calcutta.

Fourth. In cases in which lands may be ordered to be sold at their cutcherries, they will have in their own possession the authority for the sale, and all the necessary information regarding the property transferred.

Fifth. They will likewise have in their possession the requisite information respecting the division or the union of estates which may take place under Regulation XXV. 1793, that Regulation directing that the division and union of all estates are to be made under their superintendence.

Sixth. By Section X., Regulation I. 1793, transfers of estates, or portions of estates, must be notified to them before the name of the new proprietor can be inserted in the register directed to be kept by Regulation XLVIII. 1793.

Seventh. The keepers of the registers established by Regulation XXXVI. 1793, are required by that Regulation to furnish them with the particulars of all transfers of landed property that may be entered in their registers.

Proprietors, &c. liable to be fined for omitting to furnish any information that may be required by the Collectors for preparing the registers.

XXV. If a Collector shall have occasion to require from the proprietor or the farmer of an estate, or from a dependent Talookdar or under-farmer, any information that may be necessary to enable him to form a quinquennial register, or to make the requisite entries in the register of intermediate mutations, and such person shall omit to furnish it by the time required, after having been served by the Collector with a written requisition for that purpose under his official seal and signature, the Collector is to report the circumstances to the Board of Revenue for the information of the Governor General in Council, who reserves to himself the power of imposing on such person whatever fine may appear proper, upon a consideration of the case and his situation and circumstances in life. Upon receiving notice, through the Board of Revenue, of any such fines that may be imposed by the Governor General in Council, the Collector is to levy the amount, by the same process as he is authorized to have recourse to for the recovery of arrears of revenue.

Collector to send duplicates of each quinquennial register to the Board of Revenue.

XXVI. The Collectors of the several zillahs are to transmit, as early as may be practicable, to the Board of Revenue, an attested copy of the quinquennial registers, both in the English and the native languages, each in a book of the prescribed size, paged and attested by the Judge of the Dewanny Adawlut of the zillah, in the same manner as the original register, as directed in Section XIII. and within one month after the expiration of the third, sixth, ninth, and twelfth months of the Bengal, Fussily, or Willaity year (according to the era current in their respective districts), an attested copy of the entries in the register of intermediate mutations that may have taken place during the three preceding months. The Collector of each zillah is to transmit a similar copy of the quinquennial register, and of the quarterly entries in the register of intermediate mutations, to the Judge of the Dewanny Adawlut of the zillah, and to the provincial court of appeal in the jurisdiction of which the zillah may be included. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the quinquennial registers of each zillah, and of the quarterly entries in the registers of intermediate mutations, as soon as they may receive them from the Collectors.

Courts, the Board of Revenue, and the Col-

XXVII. The courts of judicature, the Board of Revenue, and the Collectors, are lectors, to be careful to preserve the old quinquennial registers and registers of mutations.

are enjoined to be particularly attentive to the preservation of the quinquennial register and registers of intermediate mutations, both in the English and native languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects.

Board of Revenue to prepare forms for the quinquennial register and the register of intermediate mutations in property.

XXVIII. Upon the receipt of this Regulation, the Board of Revenue are to prepare forms for the quinquennial register and the register of intermediate mutations, so that the first-mentioned register may exhibit the required particulars respecting each estate, and as far as may be practicable, the sircars, pergunnahs, or other established divisions of the country, in which the estates in the several zillahs may be situated, and after submitting the forms for the approbation of the Governor General in Council, they are to circulate copies to the Collectors. The approved forms are not to be altered without the sanction of the Governor General in Council; but the Board of Revenue are to suggest any improvements in the forms that may occasionally occur to them; and in the event of their being adopted, they shall take place from the period fixed for forming the next quinquennial register, or at such other period as may be deemed advisable. Upon the receipt of this Regulation, the Collectors are to proceed to collect the necessary papers and information for forming the quinquennial register which is to commence with the year 1202 of the era current in each province, and to register all mutations in property in their respective zillahs that may take place subsequent to the receipt of the Regulation. When the quinquennial register for the above-mentioned year is completed, or earlier if practicable, the Collectors are to proceed to prepare the quinquennial register which is to commence with the year 1197, the first of the decennial settlement, and to complete the register of intermediate mutations to the expiration of the year 1201.

From what materials the register to commence with the year 1207, and every subsequent quinquennial register, are to be formed.

XXIX. The quinquennial register to be formed in each of the zillahs in Bengal, Behar, and Orissa, at the commencement of the Bengal, Fussily, and Willaity year 1207, and at the commencement of every succeeding five years is to be prepared from the preceding quinquennial register, and the entries of subsequent mutations in property in the register of intermediate mutations, with the omission or addition of any estates, or portions of estates, that may have been separated from the zillah or annexed to it, subsequent to the forming of the last quinquennial register, the materials for each quinquennial register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book arranged according to the prescribed form.

All persons at liberty to sue for any landed property registered in the name of another.

XXX. No part of this Regulation is to be considered to preclude any person who may deem himself entitled to any estate, or portion of an estate, paying revenue to Government, which may be entered in the quinquennial register, or the register of intermediate mutations, as the property of any other person or persons, from suing for the same in the court of Dewanny Adawlut in which the claim may be cognizable.

A.D. 1793. REGULATION XLIX.

A REGULATION *for preventing Affrays respecting disputed Boundaries:* PASSED *by the Governor General in Council on the 28th June* 1793 *(corresponding with the 17th Assar,* 1200 *Bengal era; the 4th Assar,* 1200 *Fussily; the 17th Assar,* 1200 *Willaity; the 4th Assar,* 1850 *Sumbut; and the 17th Zekaad,* 1207 *Higeree).*

I. INSTANCES frequently occurring of proprietors and farmers of land, dependent Talookdars, under-farmers, and Ryots, seizing or ordering their agents and dependents to take possession by force, of disputed land or crops, under the pretext of their having a claim thereto, and frays often ensuing in consequence, which are generally attended with bloodshed, and not unfrequently with the loss of many lives on both sides; and the having recourse to these violent means, either for enforcing or resisting such claims, being not only highly criminal but unnecessary, from the parties having it at all times in their power to obtain redress by application to the courts of judicature, the following rules have been enacted:

Persons having claims to disputed lands or crops not to take possession of them by force, but to sue for them in the courts of judicature.

II. If a proprietor, or a farmer of land, or a dependent Talookdar, or an under-farmer, or a Ryot, or other person, shall have a claim to any disputed land or crops in the possession of another, the claimant is prohibited from possessing, or attempting to possess himself of the land or crops by force, but is to prefer his claim to the Dewanny Adawlut of the zillah.

Persons forcibly dispossessed of land or crops to complain to the Judge of the zillah.

Judge to hear the complaint immediately, and upon proof of the dispossession to his satisfaction, to cause the land or crops to be restored to the complainant, or the value of the latter to be paid to him, without inquiring into the merits of the claim of the dispossessor.

III. If any such claimant shall forcibly take possession of the disputed land or crops, the party dispossessed shall be at liberty to represent the circumstances to the Judge of the Dewanny Adawlut, who is immediately to take cognizance of the complaint, and upon the previous possession of the complainant being proved to his satisfaction, shall, without inquiring into the merits of the claim of the dispossessor, cause the disputed land or crops to be restored to the complainant, or the value of the crops to be paid to him, if they shall have been damaged, destroyed, or shall not be forthcoming, and award against the offender such costs and damages as may appear to him equitable, leaving him to prefer his claim to the property in dispute to the Dewanny Adawlut.

Right of the claimant to the disputed property to be forfeited if any person shall be killed, wounded, or violently beaten.

IV. If any such claimant, or any persons accompanying him, in taking, or attempting to take, possession of the disputed land or crops by force, shall kill or wound, or violently beat any person, the Judge, upon the complainant proving previous possession to his satisfaction, shall not only proceed against the offender, as directed in the case specified in Section III, but his right to the disputed land or crops shall be adjudged forfeited to the complainant; and whether the dispossession be proved to the satisfaction of the Judge or not, the offender and all persons aiding or assisting him in the act shall be committed or held to bail (according to the circumstances of the case), to take their trial before the court of circuit.

Offender, and all persons concerned with him, liable to be committed to take their trial before the court of circuit.

Claimants not present, but indirectly concerned in the acts above prohibited, liable to the same consequences as if they were present.

V. If the agents, servants, or dependents, or any persons in the employ of a claimant to the disputed land or crops shall take, or attempt to take possession thereof by force, and the actual claimant shall not be present, the Judge shall nevertheless restore the disputed land or crops, or the value of the latter, to the person who had possession, if he shall have been dispossessed, and proceed against the parties actually present in the manner directed in Section IV., in the event of their having killed, wounded, or violently beaten any person; and if it shall be proved that the parties immediately concerned in taking, or attempting to take possession of the disputed property, acted by the orders, or with the knowledge or connivance of the actual claimant, he shall forfeit his right to the disputed property to the person dispossessed, and be liable to be proceeded against in the criminal court, in the same manner as if he had been present.

Proprietors and others prohibited resisting by force of arms persons attempting to dispossess them of disputed land or crops, or employing force to dispossess such persons in the event of their having taken possession.

VI. This Regulation affording ready means of redress to all persons who may be forcibly dispossessed of land or crops, proprietors and farmers of land, dependent Talookdars, under-farmers, and Ryots, and all other persons, are prohibited from arming themselves, or entertaining armed Pikes, or other persons, for the purpose of keeping possession of, or guarding any disputed land or crops; and if any claimant to disputed land or crops shall go armed with a sword, stick, or other weapon, or give orders for, or connive at, any persons going so armed, to take possession of such land or crops, and the party in possession of the land or crops, or any person having a claim thereto, shall go armed, or give orders for, or connive at the assembling of any armed men, to prevent such claimant, or armed persons on his part, taking possession of the land or crops, or to disposses them by force, should they have taken possession of the property, and a fray shall ensue, and any person be killed, wounded, or violently beaten, on either side, the land and crops in dispute shall be adjudged forfeited to Government, and be disposed of as the Governor General in Council may think proper, and both of the claimants to the property, and all persons present and assisting, or concerned in the fray, shall be committed to prison or held to bail (according to the circumstances of the case) to take their trial before the criminal court.

A. D. 1793. REGULATION L.

A REGULATION *for empowering the Court of Wards to exempt female Proprietors whom they may deem competent to the Management of their own Estates, from the Operation of Regulation X. 1793, and for modifying certain other Rules contained in that Regulation:* PASSED, *by the Governor General in Council on the 6th December* 1793 (*corresponding with the 23d Aughun,* 1200 *Bengal era; the* 19*th Aughun,* 1201, *Fussily; the 23d Aughun,* 1201 *Willaity; the* 19*th Aughun,* 1850 *Sumbut; and the 2d Jemaud ul Awul,* 1208 *Higeree*).

I. THE produce of small estates, belonging to disqualified proprietors of land, being often too inconsiderable for defraying the expense of a separate manager and establishment; and it frequently occurring that portions of the same estate, belonging to a disqualified landholder, are situated in different zillahs, and as much inconvenience and embarrassment must consequently result from keeping distinct accounts for each portion under the different jurisdictions,

urisdictions, especially when the manager may have occasion to apply the surplus of one portion to balance a deficiency in another portion of the estate, or to distribute on the subdivisions of the estate their proportions of the malikanah and charges, or to appropriate the surplus receipts to the improvement of the lands, or the purchase of landed property or government securities; and many female proprietors, from their education and habits of business, having been found competent to the management of their estates, and the Governor General in Council being desirous that all such proprietors as are duly qualified should have the management of their own lands; and it often occurring, from the contiguity of a number of small estates belonging to disqualified proprietors, that a number of them can conveniently, and with advantage to the proprietors, be managed by the same person, the Governor General in Council has passed the following rules, applicable to the distinct considerations above enumerated.

Court of wards how to proceed where the produce of an estate is insufficient to defray the expense of an establishment for the management of it.

II. In cases in which it shall appear to the court of wards that the produce of the estate of a disqualified proprietor is insufficient to provide for the expense of a separate establishment for the management of it, in conformity to Section XXI., Regulation VIII. 1793, and Regulation X. 1793, the court are empowered to take such measures as, from the circumstances of the case, may appear to them best calculated for providing for the security of the public revenue and the maintenance of the proprietors of the lands.

Court empowered to invest female proprietors with the management of their lands, when deemed qualified for the charge.

III. The court of wards are empowered to invest female proprietors of land with the management of their own estates, in cases in which the court may be fully satisfied that they are competent to the charge from their capacity and habits of business. The court are immediately to report to the Governor General in Council every instance in which they may exercise the powers vested in them by this section, with the grounds on which they may deem the proprietors qualified for the management of their lands.

Female proprietors invested with the management of their own estates to execute the same engagements as other proprietors not disqualified.

IV. Female proprietors who may be exempted from the operation of the Regulations regarding disqualified landholders, in virtue of the rule contained in the preceding section, are to execute the same engagements as other proprietors who are held qualified for the management of their lands.

Manager's accounts of estates situated in different zillahs to be rendered to one Collector.

V. Where portions of the same estate belonging to a disqualified landholder may be situated in different zillahs, the court of wards are empowered to authorize the monthly and annual accounts of the whole estate required to be furnished by the manager, to be rendered to the Collector of the zillah in which the principal portion of the estate may be situated, instead of delivering separate accounts for each portion to the Collector of the zillah in which it may be included.

Cases in which the court of wards are empowered to commit several estates to the charge of one manager.

VI. In cases in which, from the contiguity of a number of small estates belonging to disqualified proprietors, two or more of them can be conveniently superintended by one manager, the court are empowered to entrust as many of the estates to the management of the same person as may appear to them advisable.

A. D. 1793.

A.D. 1793. REGULATION LI.

A Regulation *for punishing Persons convicted of the illicit Manufacture or Vend of intoxicating Liquors or Drugs, who may be unable to pay the Penalty prescribed in Regulation XXXIV.* 1793, *and for defining more accurately the Amount of the Penalty to be exacted for such Offences:* Passed *by the Governor General in Council on the* 27*th December* 1793 (*corresponding with the* 15*th Poose,* 1200 *Bengal era; the* 10*th Poose,* 1201 *Fussily; the* 15*th Poose,* 1201 *Willaity; the* 10*th Poose,* 1850 *Sumbut; and the* 23*d of Jummaud ul Awul,* 1208 *Higeree*).

I. The penalty directed by Regulation XXXIV. 1793, to be imposed on persons convicted of manufacturing or selling intoxicating liquors or drugs without a license, having been found excessive, and instances having occurred of persons, in consequence of their inability to pay any part of the penalty, having undergone a long imprisonment, in which their sufferings have been more than adequate to their offence, the following rules have been enacted.

Penalty to be in future imposed on persons convicted of the illicit manufacture or vend of intoxicating liquors or drugs.

II. The rule contained in Section XX., Regulation XXXIV. 1793, which directs that persons convicted of the illicit manufacture or vend of intoxicating liquors or drugs shall pay a penalty of three times the amount of the annual rate fixed on the stills or drugs at the nearest authorized place of vend, is rescinded, and in future, the penalty for such offences is fixed at three times the amount of the daily rate assessed at the nearest authorized place of manufacture or vend on such drugs, or the stills with which the liquor may be made, or if it be not made with a still, on the liquor itself, for the number of days for which the drugs or liquor may have been illegally made or sold.

Punishment to be inflicted on offenders unable to pay the penalty.

III. If a person convicted of the offences specified in the preceding section shall omit or refuse to discharge the penalty which may be imposed on him, the Judge is to commit him to close custody, and proceed to levy the penalty by issuing the same process against his property as is prescribed for enforcing decrees of the court. If property belonging to the offender, sufficient to make good the penalty, shall not be found, the Judge is to commit him to the gaol of the criminal court, and keep him to hard labour for one month and then discharge him.

A. D. 1794.

A. D. 1794. REGULATION I.

A REGULATION *for extending the Penalties prescribed by Regulation LI. 1793, for the illicit Manufacture or Vend of intoxicating Liquors or Drugs, to all other intoxicating Articles, for the making or vending of which a License is required to be taken out; and for giving to Informers one moiety of the amount of the Penalties which may be levied from Persons convicted of making or selling any such Articles without a License; and prescribing Rules for the speedy Apprehension and Trial of Persons charged with such Offences:* PASSED *by the Governor General in Council on the 24th January* 1794 *(corresponding with the* 14*th Maug,* 1200 *Bengal era; the* 8*th Maug,* 1201 *Fussily; the* 14*th Maug,* 1201 *Willaity; the* 8*th Maug,* 1850 *Sumbut; and the* 22*d Jemaud us Sanee,* 1208 *Higeree).*

I. THE security of the public revenue rendering it necessary that persons convicted of manufacturing or vending, without a license, intoxicating articles of any kind, for the making or sale of which a license is required to be taken out from the Collectors, should be subjected to certain penalties; that informers against such persons should be allowed an adequate reward; and that the Revenue officers should have the power of apprehending and bringing them to a speedy trial; the following rules have been enacted.

Fine for making or vending intoxicating articles without a license.

II. Any person who may be convicted before the Judge of the Dewanny Adawlut of any zillah or city, of manufacturing or selling any intoxicating liquor, drug, or article, for the making or vending of which a license is required to be taken out from the Collector of the revenue, without having previously obtained such license, shall be fined in a sum equal to three times the amount of the daily assessment at the nearest authorized place of vend on the still with which the liquor may be made, if it be made with a still, or if it be liquor not made with a still, or a drug, or other article, on the liquor, drug, or other article, for the period for which the illicit manufacture or vend of it may be proved to have been carried on.

Informers to receive one moiety of the penalty levied from offenders convicted upon their information.

III. If any person against whom information may be lodged, for making or vending, without a proper license, intoxicating liquors, drugs, or articles, for the manufacture or sale of which a license is required to be previously taken out, shall be convicted of the offence to the satisfaction of the court of Dewanny Adawlut, the informer shall be entitled to one-half of the penalty which may be levied from the offender.

Informer liable to pay costs and damages for groundless and malicious information.

On the contrary, if the information shall appear to the Judge groundless and malicious, he shall compel the informer to pay all charges that may have been incurred by the person informed against, with such damages as the court may think it proper to award against him upon a consideration of the circumstances of the case.

Process by which Collectors may apprehend persons charged with the offences specified in Section II.

IV. To expedite the apprehension and punishment of persons guilty of the offences specified in Section II., the Collector, upon receiving information of any person having made or sold intoxicating liquors, drugs, or other articles, for the manufacturing or vending of which a license is required to be taken out, is empowered to depute a Peon, or two Peons if he shall deem one insufficient, to apprehend such person. Each Peon shall receive two annas per day as subsistence-money, for the number of days which the Collector, upon a consideration of the distance, may judge necessary for the apprehension of the offender and bringing him before the Judge of the zillah, and the Collector shall endorse the number of days which he may so allow upon the writing. If the offender shall be convicted, he is to be charged with the subsistence-money of the Peon or Peons, in addition to the penalty which may be imposed upon him; but if he shall be acquitted, it shall be paid by Government. If the Collector shall not deem it expedient to apprehend the offender in the mode above authorized, he is empowered to direct the officer who may be entrusted with the collection of the tax on intoxicating articles, at the place, or in the district where the offender may be or reside, to apprehend and deliver him into the custody of the Darogah of the police jurisdiction, or to apply to the Darogah to apprehend him.

Process to be observed by officers appointed to make the collections of the abkarry mehaul in apprehending offenders.

V. The officers appointed to collect the tax upon intoxicating liquors, drugs, or other articles, on receiving information of any person having made or sold any such articles, for the manufacture or vend of which a license is required to be previously taken out, are empowered to apprehend such person themselves, and convey him to the Darogah of the jurisdiction, or to apply to the Darogah, by writing under their seal and signature, to take him into custody. In cases in which the collecting officers above-mentioned may themselves apprehend the person informed against, they are not to detain him in custody longer than may be necessary to convey him to the Darogah.

Darogahs how to proceed upon offenders being committed to their custody under this section.

VI. The Darogahs are required to apprehend any person who may be charged with the offences specified in Section II., upon a requisition for that purpose being made to them in writing by the officer appointed to collect the tax, and to forward the offender to the Judge within twenty-four hours after his apprehension. If the person so apprehended shall offer to the Darogah good security to appear before the Judge, and answer the charge by a specific day to be fixed by the Darogah, upon a calculation of the time necessary for enabling the offender to repair to the place at which the court may be established, he is authorized to discharge him. If the offender shall not appear by the limited time, the surety shall pay the amount of the penalty which the Judge, upon the information and evidence that may be submitted to him by the Collector, may award against the offender. If the surety shall abscond, or not have the means of paying the penalty, the Darogah shall be responsible for the amount.

Process against the offenders to be carried on by the Vakeel of Government.

VII. For the more expeditious trial of persons charged with the offences specified in Section II., upon any such person being brought before the Judge, the Collector is to order the Vakeel of Government to exhibit the information and proofs against him, and the Judge shall without delay make a summary inquiry into the matter, and pass such decision as may appear to him equitable. The Judge is to levy the amount of all sums which he may award against such offenders in the mode prescribed in Section III., Regulation LI. 1793, and in the event of the offender omitting or refusing, or being unable to discharge the amount, he is to proceed against him in the manner therein directed.

A.D. 1794. REGULATION II.

A REGULATION *for postponing the Operation of Section LXI., Regulation VIII. 1793, in the Zillah of Boglepore, to the End of Kautic,* 1201 *Bengal era:* PASSED *by the Governor General in Council on the* 14*th March* 1794 *(corresponding with the* 3*d Chyte,* 1200 *Bengal era; the* 28*th Phaugun,* 1201 *Fussily; the* 3*d Chyte,* 1201 *Willaity; the* 28*th Phaugun,* 1850 *Sumbut; and the* 11*th Shabaan,* 1208 *Higeree).*

I. REPRESENTATIONS having been made to the Governor General in Council, that the proprietors and farmers of land and the dependent Talookdars in the zillah of Boglepore have not been able to complete the delivery of pottahs to their Ryots, in conformity to the rules contained in Regulation VIII. 1793, and that it will be necessary to allow them a further period for that purpose, the following rule has been enacted.

Section LXI. of Regulation VIII. 1793, not to be in force in the zillah of Boglepore until the end of Kautic, 1201 Bengal era.

II. The proprietors and farmers of land, and dependent Talookdars in the zillah of Boglepore, are allowed until the end of Kautic, 1201 Bengal era, to complete the delivery of pottahs to their Ryots, in conformity to the rules prescribed in Regulation VIII. 1793, and the rule contained in Section LXI of that Regulation, which directs that after the expiration of the year 1198 of the eras current in the several provinces, *no engagements for rent, contrary to those ordered in that Regulation, be held valid, and that in the event of any claims being preferred by proprietors of estates, or dependent Talookdars, farmers, or Ryots, on engagements wherein the consolidation of the assul, abwaub, &c. shall appear not to have been made, they are to be nonsuited with costs,* shall not be considered, to be, or to have been, in force in the zillah of Boglepore until the 1st of Aughun, 1201 Bengal era.

A. D. 1794. REGULATION III.

A REGULATION *for exempting Proprietors of Land (with certain exceptions) from being confined for Arrears of Revenue; and for prescribing the Process by which Tehseeldars are to demand Payment of Arrears; and for enabling the Collectors to recover from Native Officers employed under them, public Money or Papers which they may embezzle or retain; and for expediting the Trial of Causes relating to the public Revenue or the Rents of Individuals:* PASSED *by the Governor General in Council on the* 14*th March* 1794 *(corresponding with the* 3*d Chyte,* 1200 *Bengal era; the* 28*th Phaugun,* 1201 *Fussily; the* 3*d Chyte,* 1201 *Willaity; the* 28*th Phaugun,* 1850 *Sumbut; and the* 11*th Shabaan,* 1208 *Higeree).*

I. FROM the earliest times, the rulers of these provinces have exercised a discretionary power of confining proprietors of land who have failed in the discharge of the public revenue, in addition to attaching and disposing of their property to make good the deficiency. The Governor General in Council considering their property alone a sufficient security for the public dues, and being solicitous to refrain from every mode of coercion not absolutely necessary for realizing them; and instances having occurred of Sezawuls, Tehseeldars, Aumeens, and other native officers, withholding the public money, or omitting to attend the Collectors to adjust their accounts, or retaining papers which came into their possession in their official capacity; and it being necessary that the Collectors should have the means of recovering the public dues and papers from such persons; and it being essential to the punctual collection of the revenue and the encouragement of agriculture, that all causes between Government and its subjects, and between individuals, regarding revenue or rent, should be determined as expeditiously as possible; the Governor General in Council has passed the following rules.

II. Every proprietor of land (which designation, whenever it occurs in any Regulation, is to be considered to include Zemindars, independent Talookdars, and all actual proprietors of land who pay the revenue assessed upon their estates immediately to Government) and farmer of land, is to cause the whole of the instalment for each month to be paid into the treasury of the Collector of the zillah, or to the Tehseeldar, or other officer who may be appointed to receive the public revenue assessed on his estate or farm, on or before the first day of the following month, without waiting for the amount being demanded by the Collector, or the Tehseeldar or other officer.

Proprietors and farmers of land to pay the kist of each month on or before the 1st of the following month, without waiting for its being demanded.

III. Proprietors of land shall not be liable to be confined for arrears of public revenue, or for any demands of the nature of those specified in Section XL., Regulation XIV. 1793, excepting in the cases mentioned in Section XIV. Arrears due from proprietors of land are to be recovered in the manner hereafter prescribed.

Proprietors of land not to be liable to be confined for arrears.

Exception to the rule.

Arrears how to be recovered.

IV. If the whole, or the portion of the instalment due from a proprietor of land on account of any one month, shall remain undischarged on the fifteenth of the following month, the Collector is to require payment of the arrear in the manner prescribed in Section III., Regulation XIV. 1793, and to apprize him, by a notice inserted in the written demand, that in the event of his not discharging it by the limited time, he will be subjected, as a penalty, to the payment of an interest of twelve per cent. per annum on the amount of the arrear, under Section VII., Regulation XIV. 1793.

How arrears are to be demanded.

Penalty for not discharging them.

V. If a proprietor of land, after having been served with a written demand for an arrear as prescribed in Section IV., shall not discharge the amount of it by the limited time, the Collector is to submit to the Board of Revenue a statement of such of his lands as he may think it advisable to have sold to make good the amount. The Board of Revenue are to cause the lands specified in the statement, or any other lands belonging to the defaulter which they may deem it preferable to dispose of, to be put up to sale, agreeably to the rules prescribed for disposing of lands for arrears of revenue, with this alteration, that instead of deferring the publication of the advertisement for the sale of the lands until they have obtained the sanction of the Governor General in Council to the sale, they are, of their own authority, to direct the advertisement prescribed in Section XXVI., Regulation XIV. 1793, to be published. They are, however, immediately after, to report the amount of the arrear, the lands ordered to be sold, the jumma at which they are to be disposed of, and the

place

Collector how to proceed in the event of the proprietor not discharging the demand.

Board of Revenue to order the lands of the defaulter to be sold without waiting for the previous sanction of the Governor General in Council.

But to obtain his sanction after the advertisement has been published and not to proceed to the sale without it.

place of sale, to the Governor General in Council, so as to obtain his sanction to the sale previous to its being made, without which sanction it is not to take place. The Collectors are accordingly enjoined never to proceed to the sale of any lands until they have received notice, through the Board of Revenue, that the Governor General in Council has sanctioned the sale.

Proprietors whose lands are ordered to be put up to sale, to pay the penalty in Section IV., although they should discharge the arrear.

VI. If a proprietor, whose lands may have been advertised for sale under the preceding section, shall discharge the arrears at any time previous to the day of sale, he shall nevertheless pay the penalty specified in Section IV.

Lands ordered to be put up to sale, to be disposed of for whatever arrears may be due from the proprietor up to the day of sale.

VII. As it may often occur, that after lands belonging to a defaulting proprietor have been put up to sale, further arrears may become due from him previous to the day of sale, and consequently that, notwithstanding he may have discharged the whole of the original arrear, a considerable balance may still be outstanding against him, it is declared, that when the lands of a proprietor are put up to sale to make good an arrear, they shall be liable to be sold on the day fixed, for the discharge of all arrears that may be due from him up to the day of sale, whether they shall have accumulated prior or subsequent to the lands being advertised for sale, including the penalty prescribed in Section IV.

Tuccavy, &c. are to be recovered in the same manner as arrears of revenue.

VIII. Arrears due from proprietors on account of advances made to them by Government for any of the purposes specified in Section XL., Regulation XIV. 1793, are to be recovered by the same process as balances of revenue.

Board of Revenue empowered to order the Collector to attach lands directed to be sold, under the rules prescribed in Sections VI. and XXV., Regulation XIV. 1793.

IX. When the lands of a proprietor are ordered to be sold for the discharge of arrears, the Board of Revenue are empowered, in cases in which they may deem it expedient so to do, to order the Collector to attach the lands, and commit them to the charge of an Aumeen or a Tehseeldar, or other officer, under Sections VI. and XXV., Regulation XIV. 1793, for the purposes therein specified. But the Collector is not to attach the lands under those Sections, without receiving previous directions from the Board of Revenue to that effect.

Proprietors resisting the officers deputed by the Collector under Section IX., to be proceeded against in the same manner as when resisting the process issued against them under Section V., Regulation XIV. 1793.

X. If a proprietor of land shall resist, or cause to be resisted, the Aumeen or other officer whom the Collector, by the authority of the Board of Revenue, may depute to attach his lands, the Collector is to proceed against him in the manner in which he is directed by Regulation XIV. 1793, to proceed against proprietors who resist the process which he may issue under Section V. of that Regulation, to take their persons into custody; and all the rules contained in that Regulation respecting proprietors who may resist, or cause to be resisted, the process issued by Collectors under that Section, are to be considered applicable to proprietors who may resist, or cause to be resisted, the officer who may be deputed by the Collector to attach their lands under Section IX. of this Regulation.

Sections IX., X., XI., XIV. and XXII., of Regulation XIV. 1793, repealed.

XI. There being ground to believe that many proprietors and farmers of land have availed themselves of the rules in Sections IX., X., XI., XIV. and XXII., Regulation XIV. 1793, to withhold payment of the public dues, and the persons of proprietors of land being no longer liable to be confined for arrears, excepting in the cases specified in this Regulation, Sections IX., X., XI., XIV. and XXII., of Regulation XIV. 1793, are rescinded, and proprietors and farmers of land shall be bound to discharge all sums that may be demanded of them by the Collector on the part of Government, in the manner prescribed in Section III., Regulation XIV. 1793, under pain of being proceeded against for such sums as for arrears.

Proprietors and farmers of land how to recover sums exacted from them beyond their engagements.

XII. That proprietors and farmers of land may be enabled to recover sums that may be exacted from them by the Collector, on the part of Government, above what they may be bound to pay by their engagements; and that they may be indemnified from all loss they may sustain by such exactions, it is declared, that if a Collector shall demand a sum of money from a proprietor or farmer of land, on account of arrears, in the manner prescribed in Section III., Regulation XIV. 1793, and the proprietor or farmer shall deny, by a writing to that effect addressed to the Collector, the justness of the whole or a part of the demand, but to prevent any further process being issued against him shall discharge the whole of the demand, the proprietor or farmer shall be at liberty to sue the Collector in the Dewanny Adawlut of the zillah for the recovery of the sum which he may consider to have been unjustly taken from him, and the court shall give judgment in favour of the complainant for all such sums as may be proved to have been unduly exacted from him, and the amount of such judgment shall be refunded to him from the public treasury of the zillah, with interest at the rate of twelve per cent. per annum, from the date of the exaction to the date of the decree. All the rules in Regulation XIV. 1793, respecting suits instituted against a Collector for sums actually received by him, on the part of Government, from any proprietor or farmer of land, or from the surety of any farmer, are to be considered applicable to suits that may be instituted against a Collector under this section.

What rules in Regulation XIV. 1793, are to be considered applicable to suits instituted against the Collector under this section.

How Tehseeldars or other public officers are to require payment of arrears from proprietors or farmers paying revenue to them.

XIII. When arrears shall become due from proprietors or farmers of land, whose revenue may be made payable to a Tehseeldar, or other officer appointed by Government to collect it, such officer is to demand the payment of the arrears by the same process as Collectors are required to observe in requiring the discharge of arrears, by Section III., Regulation XIV. 1793. If the defaulter shall not liquidate the arrears by the prescribed period, the Tehseeldar or other officer is to report the amount of the arrear to the Collector, who is to proceed to the recovery of it by the same process as he is directed to observe in recovering arrears due from proprietors or farmers paying revenue immediately to the treasury of the zillah.

Cases in which proprietors of land are liable to be imprisoned under Regulation XIV. 1793.

XIV. If the whole of the lands of a proprietor shall be sold for the discharge of arrears of revenue, or any of the demands specified in Section XL., Regulation XIV. 1793, and the proceeds of the sale shall not be sufficient to make good the arrears, or if the lands of a defaulting proprietor shall be put up to sale and no person shall offer to purchase them; in the first case, the person of the defaulter, and any personal property which he may possess, and in the second, his person and property of every description, shall be liable for the balance to the operation of all the rules regarding defaulting proprietors, contained in Regulation XIV. 1793; excepting the rules in the several sections of that Regulation which are rescinded by Section XI. Whenever a Collector may confine a proprietor under this section, after all his lands have been disposed of, he is immediately to report the circumstances to the Board of Revenue, who are to submit them for the information of the Governor General in Council.

Collector to inform the Board of Revenue when he may confine a proprietor after his lands have been sold.

Collectors to take security for the personal appearance of the native officers, herein specified.

Conditions to which the surety is to be bound.

XV. The Collectors are to take security for the personal appearance of the Tehseeldars, Sezawuls, Aumeens, Dewans, Sherishtadars, Moonshees, Mohurrers, and all native officers entrusted with the receipt or payment of public money or the charge of public accounts, who now are, or may be hereafter employed under them, in their capacity of Collectors of the revenue. The surety is to bind himself to produce the officer for whom he may become security before the Collector, whenever his attendance may be required, until he shall be discharged from the public service, and shall have received a writing from the Collector, signifying that he has no demand upon him on the part of Government, either for money, papers, or accounts, belonging to the public, that may have been committed to him or come into his possession in his official capacity; and further, that in the event of his not producing such officer, he will be responsible for all demands that the Collector may have upon him for public money, papers, or accounts, and be liable to be proceeded against, in every respect, in the same manner as the officer himself had he been forthcoming. When any such officer is removed or resigns, the Collector is to grant him an acquittal to the above effect, after he shall have delivered up all public papers, accounts, or money, that may have been committed to his charge. The Collectors may require such officers to give new sureties, in cases in which they may have ground to believe that the former sureties, whether admitted by themselves or their predecessors, are not responsible.

Collectors how to proceed to recover public money or accounts in the possession of native officers.

XVI. If a Collector shall have a claim, on the part of Government, on any of the native officers described in the preceding section, for a balance of accounts, or money or papers belonging to Government, he is to require the payment of the money or the delivery of the papers, by a writing under his official seal and signature, and the signature of his Dewan, or other head native officer of his dufter for the time being, specifying the amount of the money, or the particular papers required, and the date and place that may be fixed for the delivery of the money or papers. If the officer shall not discharge the money or deliver up the papers by the limited time, the Collector is empowered to apprehend him, and convey him to the gaol of the Dewanny Adawlut of the zillah, the Judge of which court shall detain him in confinement until the sum demanded of him shall be discharged, or he shall have delivered up the papers. The Collector is authorized, likewise, to attach such part of the real or personal property belonging to the officer, as may be sufficient to make good the sum which may be due from him. If his property shall be in another zillah, he is to apply to the Collector of that zillah, who shall cause it to be attached. If the property shall be within the cities of Patna, Dacca, or Moorshedabad, the Collector is to apply to the Judge of the zillah, through the Vakeel of Government, to make application to the Judge of such city to attach and deliver it into the charge of the nearest Collector. The Board of Revenue are empowered to order the property to be sold, under the rules by which the lands of proprietors are directed to be disposed of for the discharge of arrears of revenue. In the event of the death of any such officer, the surety is to be exonerated from all responsibility, and the Collector is to proceed against his heirs, by a regular suit in the court to which they may be amenable, for any claims which Government may have upon the deceased. The suit is to be carried on by the Vakeel of Government, and at the public expense, and the rules in Regulation XIV. 1793, regarding suits so carried on by the Collectors, are to be held applicable to it.

Collectors how to proceed where officers abscond or are not forthcoming.

XVII. If any such native officer, who may have retained public money or papers in his possession, shall abscond or not be forthcoming, the Collector may proceed against the surety upon his engagement, or apprehend the offender and commit him to prison, if he be within the limits of the zillah; or if he shall have taken refuge in any other zillah, or in either of the cities of Patna, Dacca, or Moorshedabad, and the Collector shall deem it necessary to require his personal attendance that he may proceed against him instead of his surety, the Collector is to apply to the Judge of the zillah to request the Judge within whose jurisdiction the officer may be or reside to cause him to be apprehended. The Judge to whom the application may be made, is to convey the officer in safe custody to the gaol of the zillah from which he may have absconded.

Collector how to proceed in case of the officer absconding without having adjusted his accounts, or omitting or refusing to attend for that purpose.

XVIII. If a Collector shall have occasion to require any such officer to attend to adjust his accounts, that the sum due from him may be ascertained, and he shall not attend upon being required by a writing to that effect, under the official seal and signature of the Collector, to be fixed up in his cutcherry, and at the place in the zillah at which the officer may have last resided, the Collector is empowered to prepare the most accurate statement that he may be able of the money or papers in the possession of such officer, and proceed against the surety, upon his engagement, for the balance or papers, in the same manner as if the accounts had been adjusted, and the list of the papers prepared, in the presence of the officer; or he may cause the officer to be apprehended by his own authority under Section XVI., if he be within the limits of the zillah, or if he shall have taken up his abode in any other zillah, or in either of the cities of Patna, Dacca, or Moorshedabad, by application to the Judge, in the manner directed in Section XVII. If it should afterwards appear upon inquiry before the court, that no part, or a portion only, of the sum demanded was due from him, or that the papers required were not in his possession, the Collector shall not be liable to pay any damages for having confined him, and all costs that may be incurred in the suit or inquiry shall be paid by the officer.

Officers or sureties confined for a demand of money to be released in the case herein specified.

XIX. If any such officer or his surety shall be confined on account of a claim for public money, and previous to the sale of his property, or supposing the Collector not to have been able to get possession of any property belonging to him, at any time subsequent to his confinement, shall deny the justness of the whole or any part of the demand made upon him by the Collector, and find some responsible person who will become security that he will institute a suit in the court in fifteen days against the Collector to try the demand, and to pay the sum that may be awarded against him, with costs and interest at the rate of twelve per cent. from the date on which the sum may be demanded of him to the date of the decree, the court is to discharge the officer or surety, and proceed to the trial of the suit; and if any property belonging to the officer or surety shall have been ordered to be sold, the sale shall be countermanded, and the property restored to the owner.

Native officers or their sureties at liberty to sue the Collector whilst in confinement.

XX. If any such native officer, or his surety, shall be committed to custody by the Collector, and shall not obtain his release in the mode specified in

Section XIX., he shall nevertheless be at liberty, whilst in confinement, to sue the Collector by whom he may have been confined, should he deem the demand upon him unjust.

Collectors to appoint an authorized Vakeel of the court to defend the suits herein specified.

XXI. The Collectors are to appoint one of the authorized Vakeels of the courts to defend any suits which may be instituted against them by any such native officers or their heirs or sureties, under this Regulation; and all the rules in Regulation XIV. 1793, regarding suits instituted against the Collector for sums demanded or received by him on behalf of Government, and which are not repealed by this Regulation, are to be considered applicable to such suits.

Provincial, zillah, and city courts to set apart one, or two or more days in a week for the trial of suits respecting rent or revenue, &c.

XXII. The provincial courts of appeal, and the zillah and city courts, are to appropriate one day, or two or more days when they shall deem it necessary, in each week, for the trial of all suits between Government or the Collectors, and proprietors or farmers of land, regarding demands on account of the public revenue assessed upon the lands, or advances for tuccavy, watercourses, reservoirs, or embankments, and also suits between proprietors and farmers of land, and dependent Talookdars, regarding revenue, or between any of the above descriptions of persons and their under-farmers and Ryots, regarding rent, or the rates of pottahs, or advances for tuccavy, watercourses, reservoirs, or embankments. The courts are to proceed to the trial of the causes abovementioned on the days so allotted, without regard to any other descriptions of causes that may have been previously filed, which are to be tried on separate days.

A.D. 1794. REGULATION IV.

A Regulation *for exempting the Part of the Zillah of Ramgur included in the Soubah of Behar from the Operation of the Rules in Regulation VIII. 1793, regarding the Appointment of Putwarries, and the Delivery of Pottahs to the Ryots; and for postponing the Operation of Section LXI., Regulation VIII. 1793, in the Zillahs of Rajeshahy, Purneah, and the Zemindarry of Nuddea; and for providing for Cases in which Ryots may omit or refuse to take out the prescribed Pottahs when tendered to them; and for determining any disputes that may arise between the Proprietors and Farmers of Land, regarding the Rates of Pottahs that are to be granted pursuant to Regulation VIII. 1793, or the Rates at which Pottahs expiring or becoming cancelled under Regulation XLIV. 1793, are to be renewed:* Passed *by the Governor General in Council on the 27th March 1794 (corresponding with the 16th Chyte, 1200 Bengal era; the 11th Chyte, 1201 Fussily; the 16th Chyte, 1201 Willaity; the 11th Chyte, 1851 Sumbut; and the 24th Shabaan, 1208 Higeree).*

I. The proprietors and farmers of land in the portion of the zillah of Ramgur included in the soubah of Behar, having represented the impracticability of conforming to the Regulations for granting pottahs, from the body of the Ryots in that part of the country being unable to read or write, and being accustomed to cultivate the lands under verbal agreements and terms entirely dissimilar to those which prevail in other parts of the provinces; and having also stated the heavy expense to which they would be subjected, were they to be compelled to appoint Putwarries to keep the accounts of the villages, under the rules prescribed in Section LXII., Regulation VIII. 1793, owing to the small number of the villages, their distance from each other, and the inconsiderable revenue which, from the inland situation and the mountainous and uncultivated state of the country, is collected from them; and the proprietors and farmers of land in the zillah of Purneah, and the proprietor of the zemindarry of Nuddea, having represented that a further time will be required to enable them to complete the delivery of pottahs to the Ryots; and it having appeared that Ryots frequently omit or refuse to take out pottahs, although the persons from whom they are entitled to demand them offer to grant them in the form and on the terms prescribed; and it being essential to the protection of the Ryots and the future prosperity of the country, that rules should be adopted for determining disputes that may arise between the Ryots and the proprietors and farmers of land, or dependent Talookdars, regarding the rates of the pottahs required to be granted by Regulation VIII. 1793, or the rates at which pottahs that may expire or become cancelled under Regulation XLIV. 1793, are to be renewed; the Governor General in Council has enacted the following rules.

Behar portion of the Ramgur zillah exempted from the rules regarding pottahs.

II. The rules contained in Sections LIV., LVI., LVII., LVIII., LIX., LXI., Regulation VIII. 1793, are not to be considered applicable to that part of the zillah of Ramgur which is included in the soubah of Behar.

Qualification of Section LXII., Regulation VIII. 1793, regarding the districts above-mentioned.

III. Clause Second, Section LXII., Regulation VIII. 1793, is declared not to extend to the districts alluded to in the preceding section, but the Gomastahs or officers whom the proprietors or farmers of land, or the under-farmers or Ryots in those districts, may entertain for keeping such written or other village accounts as are kept, shall be bound to produce such accounts in the cases in which the courts of judicature or the Collectors are empowered by the above-mentioned or any other Regulation to require them; and such officers, as well as their constituents, are to be considered liable to all the rules in that section (the rules in Clause Ninth excepted), in the same manner as the proprietors, dependent Talookdars, farmers, and Putwarries, in other districts.

Further period allowed for distributing pottahs in the zillah of Purneah, and in the zemindarry of Nuddea.

IV. The proprietors and farmers of land, and the dependent Talookdars in Purneah, are allowed, until the expiration of the year 1200 Bengal era, and the proprietor of the zemindarry of Nuddea, until the expiration of the year 1201 of the same era, to complete the delivery of pottahs to their respective Ryots, in conformity to the rules prescribed in Regulation VIII. 1793, and the rule contained in Section LXI. of that Regulation, which directs that after the expiration of the year 1198 of the eras current in the different provinces, *no engagements for rent, contrary to those ordered in that Regulation, shall be held valid, and that in the event of any claims being preferred by proprietors of estates, or dependent Talookdars, farmers, or Ryots, on engagements wherein the consolidation of the assul, abwaub, &c. shall appear not to have been made, they are to be nonsuited with costs,* shall not be considered to be or to have been in force in the before-mentioned zillah and zemindarry respectively, until the expiration in the periods above specified.

Rules for cases in which Ryots omit or refuse to receive the prescribed pottahs.

V. The Ryots in the different parts of the country frequently omitting or refusing to take out or receive pottahs, although the persons from whom they are entitled to demand them are ready to grant them in the form and on the terms prescribed by the Regulations, it is declared, that if a proprietor or farmer of land, or a dependent Talookdar, after the approbation of the Collector to the form of the pottah or pottahs for the lands in his estate or farm shall have been obtained, as prescribed in Section LVIII., Regulation VIII. 1793, shall fix up in the principal cutcherry or cutcherries of his estate or farm a notification in writing, under his seal and signature, specifying that pottahs according to the form approved, and at the established rates, will be immediately granted to all Ryots who may apply for them, and stating where, and when, and by whom the pottahs will be delivered, the notification shall be considered as a legal tender of a pottah, and the proprietor of land, the farmer, or the dependent Talookdar, shall be deemed to have complied with the orders in Section LIX., Regulation VIII. 1793, and the persons so tendering pottahs shall be entitled to recover the rents due to them from such Ryots, either by the process of distraint laid down in Regulation XVII. 1793, or by suit in the Dewanny Adawlut.

Rules for determining disputes regarding the rates of pottahs to be granted under Regulation VIII. 1793.

VI. The approbation of the Collector required to be obtained to pottahs by Section LVIII., Regulation VIII. 1793, is to be considered to extend to the form only. If a dispute shall arise between the Ryots and the persons from whom they may be entitled to demand pottahs, regarding the rates of the pottahs (whether the rent be payable in money or kind), it shall be determined in the Dewanny Adawlut of the zillah in which the lands may be situated, according to the rates established in the pergunnah for lands of the same description and quality as those respecting which the dispute may arise.

Rule in the preceding section applied to the renewal of pottahs that may expire or become cancelled under Regulation XLIV. 1793.

VII. The rules in the preceding section are to be considered applicable not only to the pottahs which the Ryots are entitled to demand in the first instance, under Regulation VIII. 1793, but also to the renewal of pottahs which may expire or become cancelled under Regulation XLIV. 1793. And to remove all doubt regarding the rates at which the Ryots shall be entitled to have such pottahs renewed, it is declared, that no proprietor or farmer of land, or any other person, shall require Ryots whose pottahs may expire or become cancelled under the last-mentioned Regulation, to take out new pottahs at higher rates than the established rates of the pergunnah for lands of the same quality and description, but that Ryots shall be entitled to have such pottahs renewed at the established rates, upon making application for that purpose to the person by whom their pottahs are to be granted, in the same manner as they are entitled to demand pottahs in the first instance, by Regulation VIII. 1793.

A.D. 1794. REGULATION V.

A Regulation *for restricting the Sudder Dewanny Adawlut, and the Provincial Courts of Appeal, from admitting Appeals from Decisions passed by any of the Courts of Dewanny Adawlut, heretofore denominated Courts of Mofussil Dewanny Adawlut, between the 6th April 1781 and the 1st May 1793, that were declared to be final by the Regulations for the Administration of Justice which existed during that Period:* Passed *by the Governor General in Council on the 30th May 1794 (corresponding with the 19th Jeyte, 1201 Bengal era; the 16th Jeyte, 1201 Fussily; the 19th Jeyte, 1201 Willaity; the 16th Jeyte, 1851 Sumbut; and the 29th Showaul, 1208 Higeree).*

I. By the Regulations for the administration of justice which were in force between the 6th of April 1781 and the 1st May 1793, all decisions passed by any Mofussil Dewanny Adawlut, wherever established or before whomsoever held, were declared to be final, where the decree was for a zemindarry, talookdarry, chowdrai, or any land or house, being lakheraje, the stated annual produce of which did not exceed the sum of one hundred sicca rupees, or where the decree was for a zemindarry, talookdarry, chowdrai, or any land or house, being malguzarry, where the jumma or annual revenue payable to Government was not more than one thousand sicca rupees, or if the land was malguzarry ayma, where the quit rent payable to Government did not exceed fifty sicca rupees, and in all other cases where the decree was for a sum of money or thing the amount or value of which was not more than one thousand sicca rupees. By Section XII., Regulation V. 1793, it is declared, that an appeal shall lie from all decisions of the zillah and city courts (heretofore denominated courts of Mofussil Dewanny Adawlut), without limitation as to the value or amount of the property decreed, provided an appeal from the decision be presented within three calendar months after it may be passed, either to the provincial court or to the court by which the decree may have been given. By the same section, however, a power is lodged in the provincial courts of receiving appeals from decisions after the expiration of the three months, provided the appellant can show good cause to their satisfaction for not having preferred the appeal within the limited time. Doubts having arisen whether the above-mentioned power vested in the provincial courts of admitting appeals from decisions after the elapse of the limited period of three months, was meant to extend to decisions passed prior to the 1st May 1793, which were not appealable by the Regulations that existed when the decrees were given, and as the admitting of an appeal, either to the provincial courts, or to the Sudder Dewanny Adawlut, from such decrees, would be injurious to property held in virtue of them, as well as to those persons who deemed themselves aggrieved by any such decrees, but whose petitions to appeal from them were rejected, in consequence of the Regulations then in force declaring them to be final; and it being necessary, in order to prevent property held under decrees of the late courts of Mofussil Dewanny Adawlut, and of the zillah and city courts, being considered insecure, that the powers vested in the provincial courts of appeal of receiving under the restrictions prescribed in Regulation V. 1793, appeals from decrees of the former courts that were appealable by the Regulations under which they were given, and from the decrees of the latter courts, in all cases, after the elapse of the period limited for preferring the appeal, should be exercised with due caution; the following rules have been enacted.

No appeals to be received from decrees of the courts of Mofussil Dewanny Adawlut passed before the 1st May 1793, that were final by the Regulations which existed when they were given.

II. The provincial courts of appeal and the Sudder Dewanny Adawlut are prohibited admitting an appeal from any decision passed subsequent to the 6th April 1781, and previous to the 1st May 1793, by any of the late courts of Mofussil Dewanny Adawlut established in the several collectorships (now denominated zillahs), and in the cities of Patna, Dacca, and Moorshedabad, where the decree is for any zemindarry, talookdarry, chowdrai, or other land or house being lakheraje, the stated annual produce of which shall not exceed the sum of one hundred rupees; or where the decree is for any ayma land paying a quit rent to Government, not exceeding the annual amount of fifty sicca rupees; or where the decree is for any zemindarry, talookdarry, or chowdrai, or any house or land being malguzarry, where the stated jumma or annual revenue payable to Government shall not exceed one thousand sicca rupees; and in all other cases where the decree is for any sum of money or thing, the amount or value of which shall not exceed the sum of one thousand sicca rupees. Provided, however, that if the provincial courts of appeal shall have admitted any appeals previous to the date of this Regulation, either of their own authority, or pursuant to orders from the Governor General in Council or the Sudder Dewanny Adawlut, from decisions passed by any Mofussil Dewanny Adawlut prior to the 1st May 1793, in any causes which were not appealable by the Regulations that existed when the decrees were given, they shall try and decide such appeals, notwithstanding any thing that may be said to the contrary in this Regulation.

Exception to the rule.

Provincial courts to exercise with caution the powers vested in them of admitting appeals after the limited time.

III. As all property held under decrees passed by the late courts of Mofussil Dewanny Adawlut previous to the 1st May 1793, which were appealable under the Regulations that were in force when the decrees were given, and also under decrees of the zillah and city courts which have been passed subsequent to the 1st May 1793, or that may be hereafter passed by those courts, would be considered to be insecure, were it always liable to be again contested after the elapse of the period limited for appealing from the decrees, the provincial courts of appeal are to exercise with due caution the power vested in them by Section XII., Regulation V. 1793, of admitting appeals from decrees of the late courts of Mofussil Dewanny Adawlut, passed previous to the 1st May 1793, which were not final by the Regulations that existed when the decrees were given, and also from decrees that have been passed by any zillah or city court since the 1st May 1793, or that may be hereafter given by those courts, where the petition of appeal shall have been presented after the limited period of three calendar months. Upon the principles above stated, they are also to be careful not to try any appeal, although the petition of appeal shall have been filed within the prescribed time, or admitted after the elapse of it, where the appellant shall have omitted to proceed in the appeal for six weeks, unless he can show good and satisfactory cause for the omission, as required in Section XXI., Regulation V. 1793.

And also of trying appeals after the appellant has omitted to proceed in them for six weeks.

A.D. 1794. REGULATION VI.

A Regulation *for postponing to the 10th April 1795, the Operation of such Parts of Sections XVIII., XIX., XX., and XXIII., Regulation XXXV. 1793, as regard the Silver Coin:* Passed *by the Governor General in Council on the 30th May 1794 (corresponding with the 19th Jeyte, 1201 Bengal era; the 16th Jeyte, 1201 Fussily; the 19th Jeyte, 1201 Willaity; the 16th Jeyte, 1851 Sumbut; and the 29th Showal, 1208 Higeree).*

I. By Section XVIII., Regulation XXXV. 1793, it was enacted, that after the 10th April 1794, corresponding with the 30th Chyte, 1200 Bengal era, the 25th Chyte, 1201 Fussily, the 30th Chyte, 1201 Willaity, the 25th Chyte, 1851 Sumbut, and the 9th Ramzaan, 1208 Higeree, no other rupee excepting the sicca of the nineteenth sun should be received at any of the public treasuries, or issued therefrom, or be considered as a legal tender of payment in any public or private transaction. This rule was a confirmation of a rule to the same effect passed on the 24th October 1792, at which time it was presumed, that by the above-mentioned period a sufficient number of sicca rupees of the nineteenth sun would have been introduced into circulation, for rendering it the only legal tender of payment, and enforcing the other rules in that Regulation that were to take place from the same date. The Governor General in Council having received representations from different parts of the country, that the number of sicca rupees of the nineteenth sun now in circulation is not sufficient for the purposes above-mentioned, and that rejecting all other species of rupees at the treasuries in the different zillahs at present would impede the collection of the revenue, and be productive of much inconvenience to the people at large, the following rule has been enacted.

Operation of the rules in Regulation XXXV. 1793, herein specified, postponed to the 10th April 1795.

II. Such parts of Sections XVIII., XIX., XX. and XXIII., Regulation XXXV. 1793, as regard the silver coin, are not to be considered to be, or to have been in force until the 10th of April 1795, corresponding with the 30th Chyte, 1201 Bengal era, the 6th Bysaak, 1202 Fussily, the 30th Chyte, 1202 Willaity, the 6th Bysaak, 1852 Sumbut, the 19th Ramzaan, 1209 Higeree, after which period all the rules contained in those sections are to be considered in full force. Until the arrival of that period, rupees of sorts are to be received at the public treasuries, and to be current under the rules that were in force regarding them previous to the 10th April 1794.

A.D. 1794. REGULATION VII.

A REGULATION *for enabling one Judge of Circuit to hold the Courts for the half-yearly and monthly Gaol Deliveries; and for empowering one of the Judges of the Provincial Court of Appeal in each Division to remain at the Sudder Station to transact certain Parts of the Business of the Court, whilst the other Judges are making the Circuits; and for providing against the Absence or Indisposition of the Judges or their Law Officers, and against Vacancies in the Judicial and Law Appointments:* PASSED *by the Governor General in Council on the 17th October 1794 (corresponding with the 3d Kautic, 1201 Bengal era; the 9th Kautic, 1202 Fussily; the 3d Kautic, 1202 Willaity; the 9th Kautic 1851 Sumbut; and the 22d Rubbee ul Awul, 1209 Higeree).*

I. BY Section XLI., Regulation IX. 1793, one of the two courts directed to be formed in each division, for expediting the half-yearly gaol deliveries in the several zillahs prescribed by Section XL. of that Regulation, is required to be held by the first Judge, and the other court by the second and third Judge of circuit. During the absence of the Judges on the circuits, the exercise of their functions as Judges of the provincial courts of appeal in civil cases is unavoidably suspended. As necessary consequences of the courts of appeal being shut during these periods, persons desirous of appealing from the decrees of the zillah or city courts are often prevented from filing their petitions within the limited period, whilst others who have allowed the time for appealing to elapse, urge the absence of the Judges from the station at which the courts are held, as a plea for not having preferred their petitions within the prescribed time; answers to references to the courts are delayed, the execution of their orders and process is suspended, and the decision of appeals retarded. By Section XLVI. of the same Regulation it is likewise ordered, that all the Judges of the courts, on their return from the circuits, shall sit in court at the monthly gaol deliveries directed to be held at the sudder stations. In consequence of this rule, a very considerable part of the time of the Judges, during the intervals between the half-yearly circuits, is occupied with criminal trials, in so much as not to leave them sufficient time for completing the business of the courts of appeal before the arrival of the period for performing the next circuit. With a view, therefore, to expedite the decision of appeals in civil causes, without retarding the half-yearly and monthly gaol deliveries, and also to obviate interruption to the administration of justice from the absence or indisposition of any of the Judges or their law officers, or from vacancies in the judicial or law appointments, the following rules have been enacted.

Sections of Regulation IX. 1793, repealed.

II. Sections XLI., XLII., XLIII., XLIV., XLV., XLVI., Regulation IX. 1793, are rescinded.

Two courts to be formed in each division to make the half-yearly gaol deliveries.

Each court to be superintended by one Judge.

The Register or his Assistant and one law officer to accompany each court.

III. To expedite the half-yearly gaol deliveries in the zillahs, two courts are to be formed in each division. Each court is to be superintended by one of the Judges of Circuit. The Register and the Cauzy are to accompany one court, and one of the Assistants to the Register and the Mufty are to attend the other. The courts of circuit, however, are empowered, whenever it may appear to them advisable, to order their Registers and their Assistants to remain at the sudder station during the circuits, for the purpose of translating the records of the trials which may be referable to the Nizamut Adawlut, or for the performance of any other official duty.

The remaining Judge of the court to continue at the sudder station.

IV. *First.* The remaining Judge of the court of circuit in each division is to continue at the sudder station, for the purposes specified in Section XII.

Judges to remain at the sudder station in rotation.

Second. The Judges are to remain at the sudder station in rotation.

Stations to which the courts are to proceed.

V. The courts formed as directed in Section III. are to proceed to the under-mentioned stations:

Division of Patna.

One Court: Tirhoot, Sarun, and Shahabad.

One Court: Behar proper, and Ramgur.

Division of Dacca.

One Court: Sylhet, and Momensing.

One Court: Tipperah, Chittagong, and Backergunge.

Division of Moorshedabad.

One Court: Dinagepore, Rungpore, and the Districts under the Commissioner at Cooch Behar, exclusive of the independent territories of the Rajah of Cooch Behar.

One Court: Purneah, Boglipore, and Rajeshahy.

Division of Calcutta.

One Court: Nuddea and Jessore.

One Court: Midnapore, including the Salt Districts, Burdwan, and Beerbhoom.

The same Judge and law officer not to make two circuits successively to the same station.

Nizamut Adawlut may dispense with this section, and Clause Second, Section IV.

VI. The two courts in each division are to proceed alternately to the stations specified in Section V., so that the same Judge and law officer may never make two circuits successively to the same station. The Nizamut Adawlut, however, are empowered to dispense occasionally with the rule contained in this Section, and also with the rule in Clause Second, Section IV., in any special cases in which it may appear to them necessary.

Judges not to absent themselves from their stations without the orders of the Nizamut Adawlut;

nor to omit to go the circuit in their turn, unlèss prevented by indisposition or other cause, of which notice is to be sent to that court.

VII. No Judge is to absent himself from his station without the previous sanction of the Nizamut Adawlut; nor shall any Judge, when present at his station, omit to go the circuit as prescribed, unless he should be prevented by indisposition, or other unavoidable impediment, the earliest notice of which is to be transmitted to that court.

Provisions made for the absence or indisposition of one of the Judges, and for the vacancy of one of the seats in the court;

VIII. *First.* In the event of the absence or indisposition of one of the Judges, or of one of the seats in the court being vacant, so as not to admit of one Judge remaining at the sudder station for the purposes specified in Section XII., whilst the other two Judges perform the circuits, the two remaining Judges shall nevertheless proceed with the two courts of half-yearly gaol delivery to the stations prescribed in Section V., and the Governor General in Council will either grant a special commission to the Register of the Court to execute the whole or any part of the business allotted to the Judge remaining at the sudder station, or appoint any other person for that purpose, or make such provision for the case as he may deem proper, until the absent or indisposed Judge shall return or recover, or the vacant seat in the court shall be supplied.

and also for the death or indisposition of a Judge whilst on the circuit.

Second. Should either of the Judges die on the circuit, or be so indisposed on the circuit as to be unable to hold a court, the Governor General in Council will either order the Judge who may remain at the sudder station to complete the business of the circuit, or make such other provision for the case as may appear to him advisable.

Courts in the divisions of Patna, Dacca, and Moorshedabad to repair to their sudder stations after completing the gaol deliveries in the zillahs.

By whom and when the gaol deliveries are to be made at the sudder stations of Patna, Dacca, and Moorshedabad.

IX. When the courts in the divisions of Patna, Dacca, and Moorshedabad, have completed the goal deliveries in the several zillahs in which half-yearly gaol deliveries are directed to be made, they are to repair without delay to their respective sudder stations of Patna, Dacca, and Moorshedabad. The Judge of the court of circuit for the division of Patna who may first return from the circuit is, immediately on his arrival, to proceed to try all persons committed or held to bail to take their trial in the city of Patna; the Judge of the court of circuit for the division of Moorshedabad who may first return from the circuit shall, in like manner, proceed to try all persons committed or held to bail to take their trial in the city and in the zillah of Moorshedabad; and the Judge of the Dacca division who may first return from the circuit is to proceed immediately to try all persons committed or held to bail to take their trial in the city of Dacca and in the zillah of Dacca Jelalpore. On the first of the month next but one after the month in which one of the two courts in each of the three above-mentioned divisions may return to their respective sudder stations, and upon the first of every succeeding month until the courts proceed again on the half-yearly circuit, a court of general gaol delivery is to be held for the said cities, and for the zillahs of Moorshedabad and Dacca Jelalpore, and the court is to continue to sit until the business of the monthly session is completed. Agreeably to the above rule, if the Judge of any one of the above divisions who may first complete the business of the circuit shall return to the sudder station on the 15th of January, he is to try all persons committed or held to bail to take their trial as above directed, and the next gaol delivery is to be held on the first of March, and on the first of every succeeding month until the courts proceed again upon the circuit. But when the first of the month shall fall on Sunday, the courts of monthly gaol delivery directed to be held in the three cities and the two zillahs above specified, shall not be opened until the Monday following, nor shall any of the courts of circuit sit on Sunday on any occasion whatever.

Courts of Circuit not to sit on Sunday in any case whatever.

Judges to hold the monthly courts of gaol delivery at the city stations in rotation.

X. The courts of monthly gaol delivery directed in Section IX. to be held at the stations of Patna, Dacca, and Moorshedad, are to be held before one of the Judges of each division, who are to hold the sessions in rotation, that the other two Judges may at the same time hold a court of appeals.

Gaol deliveries in the Twenty-four Pergunnahs when and how to be made.

XI. When the Judges of the division of Calcutta have completed the half-yearly gaol deliveries in the zillahs mentioned in Section V., they are to return to their station in the vicinity of Calcutta, and to hold gaol deliveries for the zillah of the Twenty-four Pergunnahs, in the same manner as the courts of circuit in the other divisions are directed in Section IX. to hold gaol deliveries for the cities at which they are respectively stationed.

Duties to be performed by the Judge who may remain at the sudder station during the circuits as prescribed in Section IV.

XII. *First.* The Judge who may remain at the Sudder station in conformity to Section IV. is to perform the following duties.

To receive petitions of appeal presented within the limited time and to issue process.

Second. To receive petitions of appeal from decisions of the zillah or city courts, which may be presented within the time prescribed for preferring appeals, and to issue all the consequent process for the appearance of the respondent, and for procuring the proceedings from the lower court.

Third.

To receive petitions preferred after the limited time, and how to proceed with them.

Third. To receive any petitions of appeal that may be preferred after the prescribed time, and to mark them with the date on which they may be presented. But the Judge shall not admit or reject the appeal in such cases, but shall retain the petitions until one of the other Judges shall take his seat in the court, when the admission or rejection of the appeal is to be determined upon.

To execute the orders of the Sudder Dewanny Adawlut.

Fourth. To execute all decrees and orders of the Sudder Dewanny Adawlut, answer references from that court, and make the required returns.

To execute decrees, and transact all current business.

Fifth. To execute all decrees and orders which may have been passed by the provincial court; to determine on the sufficiency of securities; and generally, to transact the current business of the court.

To prepare causes for decision.

Sixth. To prepare appealed causes for the decision of the court, by receiving from the parties the necessary exhibits, and summoning and hearing witnesses in cases in which it may be necessary and authorized.

To try causes referred to the court in the first instance.

Seventh. To issue the necessary process in causes which may be referred to the court for trial in the first instance; to receive the pleadings and exhibits; and examine the witnesses of the parties.

Judge vested with the same power as the court in the discharge of the above duties.

Eighth. In the execution of the above duties, the Judge shall possess the same powers as the court collectively.

Judge not to alter any orders of court, nor to pass decrees in any appeal or cause.

Ninth. But the Judge shall not have power to alter any order of the court passed by any two or the three Judges; nor to pass any decision on any appeal, or any cause referred to the court for trial in the first instance, in opposition to Regulation XLVII. 1793, which directs that no decision is to be held valid unless it be passed by two Judges present in court.

Court not to be prevented re-examining witnesses or passing orders respecting causes prepared for trial by the Judge.

Tenth. The powers vested in the Judge are not to be construed to prevent the court re-examining the witnesses whose depositions may have been taken by the Judge, or examining any other witnesses in the cause, or passing any other order respecting it, that may appear to them advisable and consistent with the Regulations.

Provisions made for the absence or indisposition of one of the Judges, or the vacancy of one of the seats in court, in the intervals between the circuits.

XIII. In cases where, from the indisposition or absence of one of the Judges of the court, or from one of the seats being vacant in the interval between the half-yearly circuits, the Judge whose duty it may be to make the monthly gaol delivery at the sudder station is to hold the criminal court every other day, so as to be able to sit in the civil court also; or he shall hold his court at such hours as will enable him to sit likewise in the civil court; and the other Judge, whilst his colleague is employed in the criminal court, is authorized to do all such acts as the Judge remaining at the sudder station is empowered to perform by Section XII.

Provisions for the absence or indisposition of the law officers, or for a vacancy in either or both of the law offices.

XIV. In the event of both or either of the law officers being absent, or dying, or falling sick on the circuit, or not being able to go the circuit from indisposition, or of either or both of the offices of Mufty or Cauzy being vacant, the courts of circuit are empowered to employ the Mahomedan law officer of the Dewanny Adawlut of the zillah or city at which the gaol delivery may be held, and the futwah of such law officer shall be held of equal validity with the futwahs of the law officers of the courts of circuit.

A.D. 1794. REGULATION VIII.

A REGULATION *for extending and defining the Powers given by Section VI., Regulation XIII.* 1793, *to the Registers of the Zillah and City Courts, to try and decide Causes referred to them by the Judges of their respective Courts, and for empowering the Zillah and City Courts, in certain Cases, to refer Rent and Revenue Accounts to the Collectors for report:* PASSED *by the Governor General in Council on the 14th November* 1794 *(corresponding with the 1st Aughun,* 1201 *Bengal era; the 6th Aughun,* 1202 *Fussily; the 6th Aughun,* 1202 *Willaity; the 6th Aughun,* 1851 *Sumbut; and the 20th Rubbee us Sanee,* 1209 *Higeree).*

I. To prevent the time of the Judges of the zillah and city courts being occupied with the trial of petty suits, and consequently to enable them to determine causes of magnitude with greater expedition, they were empowered by Section VI., Regulation XIII. 1793, *to authorize the Registers of their respective courts to try and decide any suits for money or any personal property where the amount or the value of the thing contested should not exceed the sum of two hundred sicca rupees, and for malguzarry land, the annual produce of which should not be above two hundred sicca rupees, and for lakheraje land the produce of which should not be more than twenty sicca rupees per annum.* But the same Regulation directing that the decrees so passed by the Register *were to be countersigned by the Judge to denote his approbation of them, and were not to be considered valid unless they were so countersigned,* and this restriction being equally applicable whether either of the parties were dissatisfied with the decision or otherwise, and, in fact, rendering the Judge solely responsible for it, he was necessarily obliged to revise the proceedings of the Register in every case, which often occupied as much of his time as would have been required for the trial of the suits in the first instance, and consequently tended to defeat the object of the reference. From these circumstances, the Judges have seldom found it expedient to exercise the discretionary power vested in them of referring suits for trial to their Registers. With a view, therefore, to the full attainment of the object of the rule, and to prevent the time of the courts of appeal being occupied by petty suits, and further to expedite the administration of justice by relieving the zillah and city courts from the trouble of arranging and comparing the long and intricate accounts, the adjustment of which is frequently necessary for the decision of suits between individuals respecting land rents or revenue, the following rules have been enacted.

Section VI., Regulation XIII. 1793, rescinded.

II. Section VI., Regulation XIII. 1793, is hereby rescinded, and the following rules substituted in lieu of it.

Causes to be referred by the Judges to their Registers for trial and decision.

III. The Judges of the zillah and city courts are empowered and directed to refer to their Registers for trial and decision, the causes that are depending or which may be filed in their respective courts, for money or personal property, where the amount or the value of the thing contested shall not exceed the sum of two hundred sicca rupees, or for malguzarry land the annual produce of which shall not be above two hundred sicca rupees, or for lakheraje land the produce of which shall not be more than twenty sicca rupees per annum. For the hearing and deciding the above-mentioned causes, the Judges are to cause their Registers to sit three days in every week, or oftener if their other avocations will permit.

Registers to sit three days in every week to hear causes.

IV. The Register is to try the suits which may be referred to him by the Judge in open court, at times when the Judge himself may not sit; or in the event of the court-room being occupied by the Judge, in any other part of the cutcherry.

Where the Register is to try the causes.

V. In trying the causes, the Register is to be guided by the same rules as are prescribed for the trial of suits before the Judge.

Register to conform to the rules for the trial of causes prescribed to the Judges.

VI. The decision of the Register shall be final in all suits for money or personal property the amount or value of which shall not exceed twenty-five sicca rupees. A discretionary power, however, is vested in the Judges of the zillah and city courts of revising the decisions passed by their Registers in such causes, in instances in which the decree shall appear to them obviously unjust or erroneous, and to pass such decree as they may deem equitable; and the decree of the Judge shall be final, notwithstanding any thing that may be said to the contrary in any Regulation passed previous to this date. But the Judges are invariably to enter on the record of the trial their reasons for revising such decisions of their Registers.

Decision of the Register final for money or personal property not exceeding twenty-five sicca rupees.

VII. From all decisions passed by the Register in suits for real property, and for money or personal property, the amount or value of which shall exceed twenty-five sicca rupees, an appeal shall lie to the provincial court of appeal of the division, under the rules and regulations prescribed regarding appeals from decisions passed by the Judge.

Appeal to lie to the provincial court of appeal from the decisions of the Register.

VIII. All process whatever which it may be necessary to issue in suits referred for trial to the Register, shall issue under the seal of the court and the signature of the Register, and shall be executed by the officers of the court, and considered in every respect of the same force and validity as similar process issued in causes under trial before the Judge.

How process in suits referred for trial to the Register is to issue.

IX. The causes referred to the Register for trial are to be pleaded either by the parties in person, or by the authorized Vakeels of the court, under Regu- VII. 1793.

Suits tried before the Register to be pleaded by the parties or the authorized Vakeels of the courts.

X. That the Sudder Dewanny Adawlut and the provincial courts of appeal may be apprized of the nature and number of the causes decided monthly by the Registers to the zillah and city courts, a list of the causes determined by the Register in each month shall be subjoined to the monthly abstract register of causes decided by the Judge, required to be transmitted to the Sudder Dewanny Adawlut and the provincial courts of appeal by Section XI., Regulation XVIII. 1793; and the Judges shall likewise distinguish in their monthly abstract registers such decisions as they may pass in appeal from the decrees of the Registers, so that the Sudder Dewanny Adawlut may be informed of the number of appeals so preferred, and the decisions upon them; and in the half-yearly report of causes undecided, required to be transmitted to the provincial courts of appeal and courts of circuit by Section XII., Regulation XVIII. 1793, the Judges are likewise to distinguish such of the suits as may be depending in appeal before them from the decisions of their Registers, and also the suits that may be under trial before their Registers.

Causes decided by the Registers to be distinguished in the monthly abstract registers.

Judges to distinguish in their monthly registers the decisions passed by them on appeals from the Registers.

Half-yearly report to specify the appeals depending before the Judge and the causes under reference to the Register.

XI. This

Judges may try the causes cognizable by the Register in the cases herein specified.

XI. This Regulation is not to be construed to prevent the Judges from trying in the first instance any causes declared cognizable by the Registers, in the event of their having time for the trial of any such causes, or of their deeming it proper, for special reasons, to try any particular cause or causes of such description, nor to prevent them referring to the native Commissioners such suits as are cognizable by them under Regulation XL. 1793. And in cases in which the Judge shall himself try in the first instance any suit for money or personal property not exceeding in amount or value twenty-five sicca rupees, his decision thereon shall be final, notwithstanding any thing that may be said to the contrary in any Regulation passed previous to this date.

Registers to the provincial courts not competent to try any appeals from the decisions of the zillah or city courts, or the Registers.

XII. No part of this Regulation is to be construed to empower the provincial courts of appeal to authorize their Registers to try and decide any appeals whatever, that may be preferred to them from the decision of any zillah or city court, or the Register of any such court.

Courts empowered to refer certain rent or revenue accounts to the Collectors for report.

XIII. In causes concerning rent or revenue, or other matters heretofore cognizable in the courts of Maal Adawlut, between proprietors of land, or farmers of land holding their farms immediately of Government, and their respective dependent Talookdars, under-farmers, or Ryots; or between dependent Talookdars and their under-farmers, or Ryots; or between under-farmers farming lands of proprietors of land, or of farmers of land who farm their lands immediately of Government, or of dependent Talookdars, and their dependent Talookdars, under-farmers, or Ryots; or between other persons concerned in the collection or payment of land rents or revenues, either as principals or sureties; the Judge is empowered to refer to the Collector for his report, any accounts, the adjustment of which may be necessary towards the decision of the suit. The reference is to be made to the Collector by a precept under the signature of the Judge and the seal of the court, in which shall be specified the accounts referred, and the papers which the Judge may think it necessary to send in elucidation of them, and the time by which the report is to be made. The Judge may likewise command the parties or their Vakeels, and any witnesses they may have to produce, to appear before the Collector, that he may examine them regarding the accounts, and also empower the Collector to administer the customary oaths to the witnesses, or to examine the parties on oath, if they shall agree to be so examined. The Collector shall submit his report on the accounts to the court by the prescribed time, attested by his official seal and signature, or assign his reasons for not having been able to complete it by the period directed. The Judge, upon the receipt of the Collector's report, shall either confirm, set aside, or alter his adjustment of the accounts, or pass such decision respecting them as may appear to him proper.

Judges prohibited referring accounts to the Collector in suits in which he, or any of his officers or servants, or Government may be a party.

But the rules in this section are not to extend to empower the Judge to refer to the Collector any accounts relating to suits in which he or any of his public officers, or private servants, or Government, may be a party.

A. D. 1795.

A. D. 1795. REGULATION I.

A REGULATION *for fixing in Perpetuity the Revenue assessed on the Lands in the Province of Benares; for the more general Restoration of the ancient Zemindars; and for extending to the Province of Benares the Rules prescribed in Regulation XLI.* 1793: PASSED *by the Governor General in Council on the 27th March* 1795 *(corresponding with the* 16*th Chyte,* 1201 *Bengal era; the* 22*d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the* 22*d Chyte,* 1852 *Sumbut; and the* 5*th Ramzaan,* 1209 *Higeree).*

I. THE Governor General in Council having determined, with the concurrence of the Rajah of Benares, to introduce into that province, as far as local circumstances will admit, the same system of interior administration as has been established in the provinces of Bengal, Behar, and Orissa, and the limitation of the annual revenue payable from the lands forming an essential part of that system, as stated in the preamble to Regulation II. 1793, the following rules have been enacted.

The origin and progress of the assessment of the land revenue in the province of Benares.

II. On the expiration of the year 1195 Fussily, the Governor General in Council instructed the Resident to make the settlement of the revenue for the ensuing year 1196 under his own immediate control. The Resident accordingly completed the settlement, by granting leases for the term of one year to certain Aumils, and for five years to others, by which they bound themselves to pay a specific jumma or assessment. But the Governor General in Council being desirous of extending to the province of Benares from the beginning of the year 1197, as far as circumstances might admit, the principles of the decennial settlement directed to be formed in the provinces of Bengal, Behar, and Orissa, those principles were accordingly introduced in the districts of which the Aumils, in the preceding year, had obtained leases for five years, by their consenting to the Resident's issuing pottahs or leases, under their and his joint seals and signatures, for the remaining four years of the term of their own engagements, to all the Talookdars, and to the village Zemindars and farmers, by which it was stipulated that they should pay a certain fixed assessment, the amount of which should be received by the Aumils, and accounted for by them to Government; and in the districts, the leases of which had been granted for one year only, and had consequently expired, by the issuing of pottahs to the Talookdars, and the village Zemindars and farmers, under the signature of the Resident and the Rajah, fixing the revenue to be in like manner paid by them through the Aumils for the term of ten years. The particulars of these arrangements were detailed in the reports on the said settlements for one year, and for four and ten years, made to the Governor General in Council, by the Resident, on the 26th of April, the 30th of November, and the 26th of December 1789, and the 25th November 1790, and in the papers and accounts therein referred to; and on

Revenue assessed on the lands included in pottahs, and the conditions of which have been performed, fixed in perpetuity.

a consideration of them the Governor General in Council, on the 11th of February 1791, approved of the said quartennial and decennial settlements with the Talookdars, village Zemindars and farmers, and ordered "*that the four years pottahs be confirmed for the ensuing six, so as to reduce the whole to a ten years' settlement, and that assurances be given to the pottah-holders, that as long as they continue to pay their revenue stipulated in the last year of the increase, as specified in their several pottahs, they shall not be liable to any further demand during their lives.*" This order has been repeatedly notified to the parties whom it concerned, who, with the exception of the pottah-holders in a few pergunnahs, and of certain individual Zemindars and farmers in others, have, by the performance of the conditions required of them, become entitled to hold their lands at a fixed assessment during their lives, as specified in the said order. The Governor General in Council has now further resolved, that the revenue stipulated to be paid on account of the lands included in the quartennial and decennial pottahs, the conditions of which have been performed, whether held by Zemindars or farmers, shall be fixed in perpetuity, and that the person or persons now holding, or who may hereafter become entitled under the Regulations to succeed to such pottahs, shall not be liable to any additional payment beyond the highest annual jumma specified in such pottahs. That this resolution may be rendered more immediately and generally known, the Resident is to notify it to the parties interested by a proclamation to the following effect.

Proclamation.

Revenue assessed on the lands, agreeably to the pottahs granted under the rules for the quartennial and decennial settlements, declared fixed in perpetuity.

III. *First.* "On the 11th February 1791, the Governor General in Council signified his approbation and confirmation of the quartennial and decennial settlements, formed in the Fussily year 1197 (1789-90), throughout the four circars comprized in the province of Benares, and directed in repect to the pottahs for four years, that the amount of the jumma payable thereby in the fourth year should be continued for the next six years, so as to place the quartennial pottahs on the same footing as the pottahs granted for ten years. The Governor General in Council now declares, that the jumma payable according to the quartennial and decennial pottahs shall remain fixed for ever, so that no sum exceeding the amount specified as the highest annual jumma payable according to the said pottahs, shall ever be required of those Pottahdars, or holders of pottahs, who have hitherto paid up their revenue and observed all the other conditions specified in their pottahs, nor of those who may hereafter become entitled to hold or succeed to such pottahs, so long as they shall continue to discharge the amount, and to perform the conditions therein stipulated.

Reservations under which the above declarations are made.

Second. "The above declarations are made with the following reservations.

Third. "The holders of the pottahs are to be considered as bound to conform to all regulations regarding them, the preservation of the rights of the Putteedars, or sharers in estates, the Ryots, or the administration of justice, which have been or may be passed by the Governor General in Council, and printed and published in the manner prescribed in Regulation XLI. 1793.

Rule regarding the succession to zemindarries.

Fourth. "The succession to zemindarries is to take place according to the established laws, rules, and customs of the country, as provided for in the Regulations passed, or which may be enacted, for the province of

“Benares, and printed and published in the manner prescribed in Regulation XLI. 1793.

Cases in which a Zemindar dispossessed before the 1st July 1775 shall be restored to his estate, on the avoidance of the pottah which may have been granted for it to a farmer.

Fifth. “In the event of the death of a farmer holding a pottah for lands, the Zemindar of which was dispossessed previous to the 1st July 1775, the date of the cession of the province of Benares to the Company, or of the pottah of any such farmer becoming otherwise void, it has been determined, with the concurrence of the Rajah of Benares, that such Zemindar, or his heir or heirs, shall be restored to the estate, provided he or they shall agree to pay the fixed jumma assessed on the lands, agreeably to such pottah, and to conform to all regulations for the collection of the revenue, the administration of justice, or other matters, which may be printed and published in the manner prescribed in Regulation XLI. 1793. In such case, the estate shall be made over to him or them, in preference to its being leased to a new farmer, or to the heir of the last pottah-holder.

Conditions under which such restoration is to take place.

Cases in which Zemindars who have had possession of their estates since the 1st July 1775, but which may have been leased to farmers, may recover possession from such farmers.

Sixth. “According to the well-known rule prevailing in the province, those Zemindars who have had possession of their estates since the 1st of July 1775, but who were nevertheless excluded at the forming of the permanent settlement, may recover possession of their estates from the farmers who may hold pottahs for, and be in the actual management of them, by proving their intermediate possession in the court of Dewanny Adawlut. The courts of Dewanny Adawlut are accordingly to decree the restoration of any such Zemindar so claiming, on proof being made by him of such intermediate possession; but every such decree is to provide for such Zemindar's previously indemnifying the farmer for the loss which he may prove, to the satisfaction of the court, to have sustained in consequence of his having held the lands under the pottah of Government, and the court is accordingly to inquire into and decide upon such loss, and to cause the amount to be made good to the farmer, before the Zemindar is reinstated.”

Regulation XLI. 1793, extended to Benares.

IV. The rules contained in Regulation XLI. 1793, entitled “*A Regulation for forming into a regular code, all Regulations that may be enacted for the internal government of the British territories in Bengal,*” are hereby declared to extend to the province of Benares; and that no doubt may be entertained what Regulations so enacted may be meant to extend to that province, or otherwise, it is hereby declared, that no such Regulation that has been or may be passed previous to, on, or after this date, shall be considered to extend, either wholly or in part, to the province of Benares, unless the title to the Regulation, or the Regulation itself, or some other Regulation, shall declare the whole or a part of it to extend to that province.

A.D. 1795. REGULATION II.

A REGULATION *for re-enacting, with Modifications and Amendments, the Rules regarding the temporary and permanent Settlements of the Revenue, in the Province of Benares:* PASSED *by the Governor General in Council on the 27th March* 1795 (*corresponding with the* 16*th Chyte,* 1201 *Bengal era; the* 22*d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the* 22*d Chyte,* 1852 *Sumbut; and the 5th Ramzaan,* 1209 *Higeree*).

I. PREVIOUS to the year 1781, the Resident stationed at Benares on the part of the British Government, was not empowered to interfere in any respect in the settlement or collection of the revenue of the zemindarry. On the accession of Rajah Mahipnarain in 1781, the administration of the revenue was committed to the charge of Naibs acting on his behalf, and subject in some degree to the control of the Resident. In the year 1787, the Resident himself was entrusted with the superintendence of the formation of the settlement and the collection of the revenue. The successive measures that have been adopted from the beginning of the Fussily year 1195, which commenced in September 1787, regarding the settlement and collection of the revenue of the province, are hereby enacted into a Regulation.

Engagements of the Aumils in 1195.

II. At the recommendation of the Resident, a new form of cabooleat was taken by the Rajah from the Aumils (then the farmers of the revenue), on the conclusion of the settlement which he entered into with them for the Fussily year 1195. In this cabooleat it was stipulated, that the Aumils should pay to the Rajah the jumma for which they had severally engaged, according to the tushkhees or account particulars of the revenue funds in their respective aumildarries, including nuzeranna, and the Government's moiety of the bhuray, and russoom khazanah, and exclusive of the articles of mujray, maafy mamooly, and the kharije jumma, which consisted principally of lands exempted from the payment of revenue, and partly of pensions, and charitable and other allowances, charged on the public revenue. This jumma was to be paid agreeably to the kistbundy or instalments for regulating the periods of the payments of the Aumils, which then generally extended from the beginning to the end of the year; and the Aumils further agreed, that on proof of their making any undue exactions beyond the tushkhees or funds assigned to them, they should be liable to pay a fine of three times the amount to Government.

Penalty for undue exactions.

Provisions for remedying the abuses in the system of collecting the public revenue.

III. *First.* With a view to provide against sundry abuses and irregularities in the system of realizing the public revenue, the Resident, on the 25th June 1788, desired the Rajah to cause a new form of pottah to be established and issued to the Ryots, specifying the denomination and length of the rod by which the betay lands (lands, of the produce of which Government, or the person having the collection of its dues, is entitled to a certain proportion, the value of which, estimated at the current market price, is paid in money by the cultivator of the land,) were to be measured, in case such measurement should be demanded by either party, on the arrival of the period when the produce of the crops of the Ryots is estimated by the mode termed kunkoot; and as in many places where the revenue was thus paid on such estimations of the

Measuring-rods.

Valuation of crops.

Agore betay forbidden.

the harvests, disputes occurred between the Ryot and the Aumil, as to the value in money at which the crop was to be appreciated, it was provided that twice in the year, or for each harvest, the valuation of the crops should be settled for each pergunnah separately, by the authority of Government, and a notification thereof issued; the rates to be paid for the grain or crops in the khereef to be fixed in the month of Maug, and those of the rebby-harvest in Jeyte, according to the actual market prices then current in the several parts and divisions of the country. The above mode of estimating the produce, and appreciating the value of the crops, is accordingly in future to constitute the rule for ascertaining the collections to be made from the betay lands, and for adjusting the aggregate amount of them for the whole year, the kists due on each harvest being intermediately paid on account, according to the usual proportion of the mofussil kistbundy or instalments. The practice of agore betay (taking the Government's half of the produce in kind after the crop has been reaped or gathered) was at the same time forbidden, as affording to individuals the means of defrauding Government of its due proportion of the produce; and in the form of the pottahs for the betay lands it was directed to be specified, whether the value of the produce was to be divided between the Aumil and the Ryot in equal proportions, or with such zabetaneh, or established difference, as the custom of each pergunnah authorized.

Authorised rates of assul and abwaub on land in cultivation.

Second. In the pottahs for nukdy land (land paying a specific money rent per begah), the name and length of the null or measuring-rod was directed to be mentioned; and as, since the year 1781, sundry new articles of abwaub and charges had been introduced, the pottah provided that all new abwaub and charges introduced since the Fussily year 1187 should, from the year 1196 of the same era, be considered as prohibited and relinquished, and that the maal or original rent, and abwaub or cesses, which existed in that year, *viz.* 1187 Fussily, being incorporated with the maal, so as to form only one aggregate sum, this sum or specific rate should constitute what the Ryots or cultivators of the nukdy lands were to pay per begah.

Rates of fallow or uncultivated lands.

Third. The rent of waste land intended to be brought into cultivation was directed to be fixed at such rates as the Ryots might willingly agree to pay, and without abwaub.

Instructions for carrying these provisions into execution.

IV. On the 1st of July 1788, the Canongoes were apprized of the above rules, and of the Rajah having deputed Aumeens for the purpose of carrying them into effect; and they were further informed that they were to co-operate in fixing the jumma of the nukdy lands, and ascertaining the proportion and mode of assessment on the betay lands; and that wherever, during the administration of Rajah Cheyte Sing, the nul or measuring-rod was more or less than the rod of three dirrahs ilahee (which rod alone was ordered to be used for the future), or wherever a begah consisted of a greater or less extent of land than twenty biswahs in the Fussily year 1187, they were to adjust, in proportion to these varieties in the rod and in the extent of the begah, the rates and modes of the nukdy and betay revenue in one sum, agreeably, and as nearly as might be possible equivalent to, the assul and abwaub, or zabetaneh of that year, and to fix the rates in the pottah accordingly. Pottahs were in consequence issued by the Rajah's Aumeens, comprehending the above specifications; but not so generally or accurately as fully or effectually to accomplish the object of their deputation; and in the rates inserted in these pottahs, they likewise omitted to make allowance for the difference between the old and new measuring-rods and begahs.

Extent and dimensions of a begah of ground, according to the authorised measurement of three dirrahs ilahee.

In what cases the kesraut, or difference between the old and new nuls, are to be taken into account.

Rule as to the mour or loops.

V. The begah of three dirrahs ilahee, thus established, consists of twenty poles, each measuring eight feet and four inches, and eight-tenths of an inch; the whole length being one hundred and sixty-eight feet, giving a surface or area of twenty-eight thousand two hundred and twenty-four square feet, or three thousand one hundred and thirty-six square yards; and the biswah, or twentieth part of this begah, of one hundred and fifty-six square yards, and eight-tenths of a yard. On its appearing that several of the Aumils and Canongoes understood that the kesraut, or difference in the length between the former and present measuring-rod, was to affect the assessment on all kinds of cultivation, the Resident issued an explanatory notification, on the 12th of May 1789, to the following effect, *viz.* In the places where the null or rod of 1187 was less than the general standard rod established for that year, such difference was to be taken and calculated per begah on the jummaee or kowlee, *i. e.* nukdy land, and also upon that known under the denomination of rye kunkooty, or land the produce of which is calculated at a fixed or usual quantity per begah, and the revenues rated thereon accordingly. Thus, where the rye kunkooty had been three maunds or four maunds, or taken at any other specific estimate per begah, according to the rye or rate of 1187, upon the Ryot's cultivation in general, either on each distinct kind of produce, or upon a medium of the first, second, or third kinds of produce; in such cases, on the principle prescribed with respect to the nukdy, the difference of the rod was to be taken in all instances, where actual mensuration by the new rod of three dirrah ilahee should at the desire of either party be resorted to, for ascertaining the whole extent of ground in cultivation. But, on the contrary, where the Aumeen of the Aumil, in the mode termed kunkoot, should proceed with the Gowro, or estimator, and the Gomastah of the Canongoe, and these two last-mentioned officers, with the consent of both parties, should estimate the produce of the crop on an inspection of it without measurement, the taking the difference of the rod was neither necessary nor proper, the whole produce being estimated without reference to the extent of the begah. All parties were required to attend to the letter and spirit of these prescriptions; and in conformity thereto it was further signified to them, that where the crops were estimated in the mode termed danabundy kunkooty, that is, where the revenue is assessed according to the gross produce, without a measurement of the ground, the kesraut or difference between the old and newly established rods was not to be taken, as in these instances the revenue payable to Government was not calculated on the extent of the ground, but on the gross quantity of the produce. It having appeared also that in the old nuls or lettas (measuring-rods or ropes) the Ryots had been defrauded by the Aumils unduly shortening them, by subtracting from their length the mour or loops at each end, it was ordered that, in ascertaining the difference between those new and old nuls or lettas, the full length of the old ones should be allowed in favour of those who pay the revenue inclusive of the mour or loops.

Settlement of 1196 Fussily.

VI. The rules passed on the 25th June 1788 (as contained in Section III.) were approved by the Governor General in Council on the 3d of October of the same year, as preparatory to the establishment of a more regular system of assessing and collecting the revenue. With a view to the introduction of this system, the Resident was at the same time authorized to take upon himself the entire formation of the settlement for 1196. This settlement was accordingly made principally on the grounds of the reports of the Canongoes, and their estimates of the actual produce from the assul and abwaub, as the same stood in 1187 Fussily (the rates of which year were declared to be the standard according to which the payments of the Ryots were to be regulated in future), and the same accounts for 1195, or the latest assessment. These accounts exhibiting the assets of those two years, were compared with the douls or estimates of the assets of the then current year 1196, as delivered in by the Canongoes. From these douls, the dehyek, or allowance of ten per cent. to the Aumil as his profits, and the charges of mofussil management, the several articles of deduction and remission coming under the heads of maafy and mujray, the amount of the nankar or allowances of the Canongoes in the lands assigned to them in each pergunnah, and the half of the former bhuray (i. e. the moiety thereof allowed to the Aumils for charges of remittance), being severally deducted, the residue of the gross assets, as contained in the doul or estimate of the Canongoes, constituted the sum to be paid by the Aumil to Government.

Settlement of 1196 Fussily.

How fixed, and the constituent articles of it.

Abolition of the Government's moiety of the bhuray, and of the articles of nuzeranah and russoom khazanah, &c.
as also
the sujee mehal.

VII. The other moiety of the bhuray mentioned in the preceding section (which had previously been collected on behalf of Government), together with the article of nuzeranah and russoom khazanah, &c., were abolished in the course of the arrangement of the settlement of this year, together with the farm of the manufacture of the earth called sujee, which had before been let on lease by the Rajah's officers.

Engagements of the Aumils for 1196 Fussily founded on the preceding rules and principles;

VIII. *First.* A new form of cabooleat was at the same time ordered to be taken from all the Aumils, in which the doul of the Canongoes, and the deductions made therefrom on account of lands exempted from the payment of revenue, and the form of the new pottah for the Ryots, were inserted. The Aumils bound themselves to perform and abide by the several stipulations and prescriptions therein contained, as fundamental conditions of the settlement. They likewise engaged not to demand from the Ryots any abwaub established since 1187; nor any abwaub for the Canongoe's allowances, or the banker's half of the bhuray, the latter article consisting, as specified in Section VI., of an allowance to the Aumil to pay the charges of the banker through whom he made his remittances to the treasury. Both of these articles, *viz.* the cess hitherto levied from the Ryots for the Canongoe's allowances, and the half bhuray in question (the other moiety of the latter of which articles was relinquished by Government as specified in Section VII.,) were abolished, and struck out of the settlement. It was at the same time provided, that the Canongoes should be paid by Government from the collections, whilst the amount of the banker's portion of the bhuray was granted as a deduction to the Aumil, from the tushkhees or funds stated in the doul or estimate of the Canongoes, on which the agreement of the Aumil with Government was founded. On these principles, a general settlement of the zemindarry was made on leases partly for one, and partly for five years, in the proportion of nearly one-third for the former and of two-thirds for the latter term.

and settlement thereon made for the term of five and one year.

Second.

Rule regarding hukul tehseel, in case of change of farmers in the course of the year.

Second. On the 12th of February 1789, a rule was published for determining the hukul tehseel, or commission on the collections made by farmers of villages relinquishing their engagements before the close of the year. This rule directed, that if the jumma payable by any such farmer to Government did not exceed five thousand rupees per annum, he should not be entitled to or receive any such commission, but be held accountable to his successor for the full amount which he had realized, or where he was not succeeded by any new farmer to the Aumil; but that in the event of the annual jumma of such farmer exceeding five thousand rupees, he should be allowed a commission of five per cent. by the Aumil out of his own dehyek (or the commission of ten per cent. on the amount which he contracted to pay to Government), so as, in either case, to prevent the Ryots from suffering by the change of village farmers, whose repeated intermediate commissions had often been levied from them by way of cess above their appointed foteh or rent, under the former native administrations in the zemindarry.

Subsidiary rules for the mofussil settlements.

IX. *First.* For the guidance of the Aumils in forming their mofussil settlements (which took place from the beginning of the Fussily year 1196), the following orders were issued on the 14th of June 1789, respecting the interior arrangements to be adopted from the commencement of the second year of the term of the leases for five years.

Reinstatement of the village Zemindars.

Second. That the villages and lands should be let by the Aumils to the Zemindars, or hereditary landholders, and not to mere farmers (excepting where no hereditary landholders remained), on the douls or estimates of the revenue assets in each person's share in the lands let on a five years' lease, for the remaining four years thereof; but that, where the hereditary Zemindars refused to engage and give security for the payment of the amount of the Canongoe's doul, their lands should be rented for the same term to farmers, and that the pottahs to be given according to the prescribed form should contain the full amount to be paid on all accounts to the Aumils, without any reservation of a separate nuzeranah, or other demand.

Rule prohibiting the re-admission of dispossessed Aymadars.

Third. During the administration of the Nawaub Vizier, a sequestration was made of sundry ayma villages, several of the proprietors of which had obtained money assignments, and pensions in lieu thereof, one of which pensions also was afterwards resumed during his Excellency's government. In consideration of the long period which had elapsed since the dispossession of these Aymadars, it was declared that if any of them should prefer claims to be restored to the lands which they before occupied, under their former grants, such claims would not be attended to or admitted.

Reasons for concluding a permanent settlement.

X. The settlement, as made in 1196, for the periods of one year and for five years, was approved of by the Governor General in Council on the 17th of June 1789. The Resident was, at the same time, directed to endeavour to introduce into Benares the system proposed for the permanent settlement of the province of Behar, having for its object the ascertaining and limiting the demand of Government, and securing to its subjects, in perpetuity, the quiet enjoyment of the fruits of their industry. The arrangements which had been adopted in Benares were obviously inadequate for that purpose. The amount of the revenue realizable by the Aumils from the Ryots and under-farmers varied agreeably to the extent of the actual cultivation, and accordingly, the produce of the lands not being ascertainable until the rebby or second crop had ripened, the Aumils collected in the mean time from their under-renters (whether village Zemindars or farmers) on account, until the arrival of the season for forming an estimate of the produce of the whole year, when the Zemindars or farmers entered into cabooleats for the year. This mode of collection was productive of many disputes. When it appeared to the Aumil that his under-farmers were unwilling to pay to him an adequate consideration for their farms, he of course became desirous of dispossessing them, and of either letting the farms to others, or of collecting the rents himself immediately from the Ryots. This system tended to discourage agriculture, at the same time that it operated as a source of constant altercation between the Aumils and the various competitors for village tenures, and consequently rendered it desirable to conclude separate mofussil settlements, formed under the sanction of Government, for each talooka and mozah, or village, throughout the country, paying revenue to Government.

Source of dispute between the Aumils and village renters, under the former system.

Plan for forming the quartennial and decennial mofussil assessment.

XI. On the receipt of the orders of the Governor General in Council of the 17th of June 1789, the Resident issued instructions to the Aumils and Canongoes to proceed in the mofussil settlement; declaring it, however, subject to his revision and confirmation, as he had determined when the rebby, or second crop, should have been sown, to form an estimate of the revenue funds in each village, payable by the Zemindars and farmers respectively, and to fix it for the four unexpired years of the five years leases of the Aumils, wherever those leases extended. This revision was appointed to take place in each pergunnah, in order that after the mofussil settlements for four years, beginning from 1197, should have been approved, it might be declared permanent for the same term as the settlement to be made for the period of ten years, throughout that portion of the district which was let on only an annual lease. This last part of the arrangement was to be executed more immediately under the personal inspection of the Resident, on nearly the same general principles as had been prescribed by Government for the settlement of the province of Behar. On these preparatory measures being communicated to the Governor General in Council, it was resolved that a settlement of the zemindarry of Benares should be formed for a period of ten years, agreeably to his resolutions of the 20th May and 18th of September 1789, regarding the settlement of the province of Behar.

Respecting village Zemindars dispossessed previous to the Fussily year 1182 (A.D. 1775).

XII. A material deviation, however, was unavoidably made from these resolutions; for Rajah Mahipnarain at that time declining (although he subsequently acquiesced in the measure, as specified in Regulation I. 1795) to consent to the restoration of the numerous class of village Zemindars, who had been dispossessed and reduced to the situation of cultivating Ryots, during the administrations of the Rajahs Bulwunt Sing and Cheyte Sing, it became necessary to exclude from the benefit of the rights to be conferred by this decennial settlement, all those landholders who had been so dispossessed and reduced before the 1st of July 1775 (1182 Fussily), the date of the final transfer of the sovereignty of Benares to the Company.

Rules for forming the permanent settlement.

XIII. For the purpose of forming this permanent settlement, the Resident and his Assistants proceeded, in November 1789, on different circuits throughout the four sircars composing the zemindarry of Benares; their object being, in respect to the quartennial mofussil settlements, to examine and revise the assessment, as proposed by the Aumils and Canongoes on the ground of the assuland abwaub up to the year 1187, and to correct such errors as should appear to have been made, either in the exclusion of persons entitled to be considered as Zemindars (consistently with the rule of exclusion specified in Section XII.) or in the allotment of the jumma, in the constituent parts of the total of the assessment of each district. This allotment was to be regulated (as well in regard to the quartennial as the decennial settlements), as nearly as might be ascertainable, according to the ability of the respective villages or puttees (or shares or sub-divisions of villages), so as to admit of the Zemindars and farmers realizing the revenue assessed in conformity to the revenue rates of 1187; and where a large proportion of the land remained waste and uncultivated, a gradual and moderate russud or increase, for the few first years of the term of the general leases, was to be assessed, in consideration of the right of Government to some share in the advantages accruing to the renter, by bringing the land into cultivation. It was farther provided, that the article of spirituous liquors, and the tax upon shopkeepers, dealers, and weavers, comprehended under the denominations of abkarry, ghur dewary, and khergui, should be separated from the collections of the renters, and realized by the Aumils of the respective districts, as far as those articles separately existed, but without attempting to extend them.

Russuds.

Articles of abkarry and ghur dewary, and khergui, left amauny, and reserved to the future disposal of Government.

How the deeds for the settlement were issued and authenticated.

XIV. *First.* In the manner above described, and with the assistance of the accounts of the Tushkees for the preceding ten years, and such other accounts and local information as could be obtained through the Canongoes or otherwise, the mofussil settlements for four and ten years were concluded. The pottahs for the settlements for four years were issued under the seals of the Aumils, and numbered and countersigned in English by the Resident or his Assistants; and those for the settlements for ten years were authenticated by the signatures of the Rajah and the Resident. The cabooleats or engagements entered into by the village Zemindars and farmers on the formation of the permanent settlement, bound them to an observance of the following articles:

Engagements of the Malguzars on the conclusion of the permanent settlement.

Lands and property liable to be sold for balances.

Second. To pay the stipulated annual revenue punctually from the month of Koar (October) to Jeyte (June) in each year; and agreeing, in case of failure, that their property, real and personal, should be sold to make good the deficiency.

Rule respecting lakheraje lands, or lands held exempt from the payment of revenue.

Third. Not to attach, without the sanction of Government, any maafy, mujray, kishnarpun, or other description of lakheraje land in the possession of individuals, and held by them exempt from the payment of revenue, up to the end of the Fussily year 1195; and agreeing, in the event of Government's resuming any part of such exempted lands, to pay the revenue assessable thereon, in addition to the jumma fixed by their engagements; and stipulating not to make any new grants of exempted lands, on pain of such lands being confiscated to Government, and of double the revenue assessable thereon being levied from the grantee or grantees, for the period during which such grantee or grantees should have continued in possession.

General rule for the collections.

Fourth. To collect from the Ryots according to the hookumnamas or Regulations of the 25th of June and 1st of July 1788, referred to in Sections III. and IV.

Fifth.

Receipts.

Fifth. To grant receipts to the Ryots for their payments, under the penalty of a fine of double the amount, to be awarded to any Ryot who should prove that he had been refused such receipt.

Registry of the Canongoes.

Sixth. To support the Canongoes in the full exercise of their functions.

Prohibition as to the sayrjehaut, and the house-tax, and that on spirituous liquors.

Seventh. Not to levy or receive any of the articles of the abolished sayrjehaut, nor any sum on account of khaneh shoomary (another term for the ghur dewary or house-tax), orabkarry or distilleries, the collection of the two last-mentioned articles (as specified in Section XIII.) having been separated from the general settlement, and committed, on behalf of Government, to the Aumils. The penalty for breach of this article was fixed at three times the amount that might be illicitly collected.

Responsibility in respect to thefts and robberies and to breaches of the peace.

Eighth. To be responsible, subordinately to the Aumil, for the maintenance of the peace, and for apprehending all disturbers thereof, in and throughout their respective estates and farms; not to harbour thieves or robbers, but to secure their persons and deliver them up for trial, as well as to recover, or in failure thereof, to be answerable for, and to make good the value of, all property robbed or stolen within their respective limits.

Broils, affrays, and murders.

Ninth. To send in for trial, accompanied by an attested report of the circumstances of the case, all parties concerned in broils, affrays, murders, or other breaches of the peace.

To obey summonses.

Tenth. To obey all summonses or orders issued on the part of Government, on pain of incurring forfeiture of property, as for rebellion.

Authority of the Aumil as Tehseeldar or Collector, and Hakim or Magistrate.

His responsibility in respect to the collection of the revenue assessed according to the settlement, and not making further collections.

To carry into execution the stipulations with the village Zemindars and farmers, and to cause pottahs to be issued to the Ryots.

Revenue rates of 1187 may be lowered but not enhanced.

Receipts.

Tullubana.

Abolished sayer and gunge duties.

Responsibility in regard to theft and robberies, and breaches of the peace.

XV. *First.* On the conclusion of this permanent settlement, new engagements were also entered into with the Aumils. By these engagements their office was declared to be that of Hakim or magistrate, and Tehseeldar, or collector of the revenue ascertained by the pottahs issued to the village Zemindars and farmers to be payable from their several aumildarries; and they rendered themselves responsible for the regular realizing the amount of this revenue, and bound themselves to abstain from levying any excess on their own account, to enforce the several stipulations with the landholders and farmers as set forth in Section XIV., and to cause the village Zemindars to issue pottahs to their Ryots in conformity to the Regulation of the 25th of June 1788. They were also vested with a discretionary authority to diminish, or to admit to be lowered, the revenue rates of 1187 Fussily, where the exaction of them might be found, under the actual circumstances of any part of the district, to operate to the oppression or distress of the present cultivators; but they were at the same time prohibited from enhancing the rates of the said year 1187, under any pretence whatsoever. They were further required to grant receipts for all payments of revenue made to them, on pain of being subject for refusal or omission to such fine as the Resident should think it proper to impose; to regulate the rates of tullubana leviable on parties in arrear, by the custom of the pergunnah, and to account for and pay the sum realized under this head to Government; and to refrain from the collection of any part of the sayer or gunge tolls or duties, under the same penalty for disobedience as the village Zemindars and farmers are declared liable to in similar cases, as specified in Clause Seventh, Section XIV. They were also declared personally responsible to Government in the first instance, in regard to the maintenance of the peace, and thefts and robberies committed within their respective aumildarries, under the rules prescribed in similar cases with respect to the Zemindars and farmers in Clause Eighth, Section XIV.; with a right, however, to have recourse, for their own indemnification, to the landholder or farmer within whose limits the theft or robbery might occur.

To apprehend disturbers of the peace.

Second. In their capacities of Hakims or magistrates, the Aumils were instructed to apprehend and send in for trial, accompanied by the necessary information and evidence, all persons committing breaches of the peace; and, in concert with the Canongoes, to inquire into and to decide (subject to an appeal to the Resident, should either of the parties desire it), according to the principles of the Regulations of the 25th of June 1788, all complaints preferred to them regarding differences occurring between the Zemindars, farmers, and Ryots, relative to the malguzarry or revenue, with authority to refer, with the consent of the parties, other causes of a civil nature, respecting caste, marriage, shares in land, and debts, to be determined by arbitration; or where both parties should not consent to this mode of adjustment, to desire them to repair to and institute their suits in the Moolky Dewanny Adawlut, or provincial civil court established at Benares, to all orders and decrees issued from which, or from any other court of justice, or from the Rajah or the Resident, the Aumils were required and agreed, on pain of dismission, to yield the most prompt obedience.

Rule in respect to lands conveyed to Aumils in liquidation of balances.

Third. It having afterwards appeared, that in several instances the Aumils had clandestinely availed themselves of their authority to procure deeds of conveyance, in their own names or those of their relations, for lands the property of persons in arrears on account of the revenue, and whose balances had been thereby either wholly or partially liquidated, a rule was published, on the 19th of September 1794, prohibiting and declaring null and void all such conveyances that might be made in future; and on the 31st of October following a further rule was passed, giving to all persons who might have thus disposed of their lands, or to their heirs or Putteedars, the option of suing for the recovery of them in a court of justice, at any time within five years from the date of such conveyances; and the parties so prosecuting were declared entitled to have the conveyances annulled, and to regain possession of the property, on repaying to the purchasing Aumil or his heirs the purchase-money, with simple interest.

Rules for the confirmation or establishment of the rights of the Zemindars and other landholders.

XVI. *First.* The adjustment of the disputed claims to lands formed one of the principal difficulties which occurred in the progress of the settlement. In many instances, contests existed between the Putteedars or sharers in the same village, as to their respective proportions, or between claimants of different families to the same villages. In all these cases, it was observed as a general rule to confirm or admit those Zemindars, who were either in the actual occupancy, or who had at any time been known to have had possession since the final transfer of Benares to the Company in 1775 (the Zemindars dispossessed before which period, the Governor General in Council, on the 11th April 1788, determined should not be restored, in compliance with the objections which the Rajah then entertained to their restoration, but which he subsequently relinquished, as stated in Section XII.); leaving those who might think themselves entitled to reinstatement under this rule, to seek redress in the Moolky Adawlut. But as it became necessary, during the progress of the settlement, to pass orders in a summary way on disputes of this nature, it was explained to all parties, that the new pottahs were meant only to fix the rental, and in no wise to constitute a bar to the recovery of any proprietary right in land, for which suits might be instituted in the court of justice above-mentioned, in the same manner as if no such pottahs had been granted. Instructions to this effect were issued to the Judge of the court, and separate engagements were taken from all the present pottah-holders, whether Zemindars or farmers, binding them to a ready attendance on, and submission to, the judicial authority of the said court and the court of appeal, in respect to all such causes; and the Aumils were prohibited from making alterations in the pottahs, excepting in conformity to judgments passed in both or either of those courts. The settlement thus concluded, consisting of engagements with Zemindars for about eight-twelfths of the whole country, of leases to farmers for about three-twelfths, whilst the remaining twelfth continued amauny, in consequence of there being found for the places included in the last-mentioned portion, neither Zemindars nor farmers, so that the Aumils collected the public dues immediately from the Ryots.

In what proportion the settlement was concluded with Zemindars and farmers.

Rule for the adjustment of accounts between Zemindars recovering possession from farmers.

Second. Pursuant to the principles prescribed for this quartennial and decennial settlement, sundry village farmers having been removed during the progress of it by the reinstatement of the rightful Zemindars, a rule was published, on the 21st of February 1790, for adjusting the accounts of the wassilaut or current year's collections between such parties. By this rule, the displaced farmers were entitled to credit for the amount of whatever tuccavy (money for the purchase of seed) they might establish to have advanced to the Ryots, together with a commission of three per cent. (whatever might be the extent of the farm) on the amount of the revenue realized. The amount of this charge was to be borne altogether by the reinstated Zemindar, without his being entitled to make any demand on that account from his Ryots, who were only to repay to him the amount of the tuccavy that had been really advanced to them by the removed farmer. But such farmer was not to be allowed credit for the amount of any bonds or engagements executed by Ryots for sums stated to be advanced for tuccavy, but which should in reality have been taken from them for the balances of former years, which were thence virtually declared irrecoverable.

Description of a zemindarry under the permanent settlement, and of the joint putteedarry tenures therein comprehended, with the differences in respect to the latter, as being either distinct, or remaining annexed and blended or in common.

XVII. *First.* The landholders in the zemindarry of Benares consist for the most part of village Zemindars, paying the revenue of their lands to Government jointly with one or more Putteedars, or partners, descended from the same common stock. Some of these Putteedars have had their interior puttees or shares rendered distinct; whilst those of the major part still continue annexed to, and blended or in common with, the share or shares of the principal of the family, or of the head men amongst the brethren, being either one or more, whose names have been usually inserted in the pottahs, caboolеats, and other engagements for the public revenue. With the general consent of the inferior Putteedars, this mode was adhered to in the aforesaid settlement, leaving an option to such Putteedars as might then or afterwards think themselves aggrieved, or be desirous of separating from their brethren, to prosecute for that purpose in the Adawlut. By this mode of procedure, they may obtain a separation of their family share of the estate, and procure a separate pottah, subject to the payment of a proportionate part of the jumma assessed on the joint estate; but, in the mean time, those of the brethren whose names stand inserted in the Government's pottah, are held and considered to be immediately responsible, through the Aumils, to Government for the whole of that jumma. The only exception of this general rule exists in the pergunnah of Kurrendeh, where the decennial settlement could only be concluded by a considerable number of these Zemindars being admitted to enter into cabooleats, in which they themselves agreed to the nomination of certain persons to act on their joint parts, under the description of Serberakers or managers. This expedient was acquiesced in, under the condition that the responsibility of the Zemindars should remain undiminished, and that they might, whenever they pleased, dismiss these agents, after adjusting accounts with, and satisfying them as to any balance that might be justly due to them.

Serberakers, or managers, in the pergunnah of Kurrendeh.

Talookdarry tenures in Benares.

Second. There are also many talookdarries within the four circars composing the zemindarry of Benares, which have depending on them a greater or less number of village Zemindars, many of whom still retain the right of disposing by sale of their own estates, subject, of course, to the payment of the usual jumma to the Talookdar, and to the conditions specified in Clause Ninth, Section XXXV., Regulation XXII. 1795. The settlement of Government has been concluded (on the same principles as are prescribed respecting the zemindarries) with these Talookdars, who are left to assess their village Zemindars, either in proportion to their own sudder jumma, with some addition for charges of management, or according to the extent and value of the produce, as local custom or the good-will of the parties may direct.

Particular circumstances of the pergunnah of Burhur Agowrie;

Third. The circumstances of the pergunnah of Agowrie Burhur, in the circar of Chunar, constitute in some degree a deviation from the rule observed in the general settlement. This pergunnah appertained to its separate rajahs, until they were expelled by Rajah Bulwunt Sing. Their descendants appearing, and having performed some public services in 1781, Government ordered that Rajah Adil Sah, their then representative, should be restored. This order appearing afterwards to be repugnant to the principle of the general settlement concluded with the Rajah Mahipnarain Sing, the tenure of the family of Adil Sah was, by an order of Government under date the 11th of April 1788, limited to the period of his natural life, during which the interior settlement of the pergunnah was, with his consent, and under his seal and the Resident's signature, made with the Talookdars and Zemindars, most of whom were of his own blood and lineage; or with the Birteeas, being the persons on whom his ancestors had conferred grants of lands; or with Gherrooas, being such persons as he or his ancestors had put in possession of lands on mortgage. These several descriptions of landholders are considered as having a permanent interest in their tenures, which have therefore been included in the general account of the settlements concluded with Zemindars. The remainder of the pergunnah has been let to farmers, on the conditions common to the rest of the four circars. Rajah Adil Sah subsequently dying, Government, with the acquiescence of Rajah Mahipnarain, permitted his heirs to succeed him in the pergunnah, in the permanent settlement of which, however, they are restricted from making any alterations or innovations equally with the other Aumils or Tehseeldars.

and of the pergunnah of Beleeah in the circar of Ghazeepoor;

Fourth. The pergunnah of Beleeah, in the circar of Ghazeepoor, is similarly circumstanced, as to the expulsion of its rajahs by Rajah Bulwunt Sing, and the intended restoration of Bhowayel Deo, their present representative. But his reinstatement having never taken place, he is allowed to live in the pergunnah, on a pension which he receives from Government; and the settlement has been made with such of his family, and of those Rajahs of Beleeah who preceded it, as could make out pretensions to permanent tenures or estates; and where such pretensions could not be established, or were not preferred, the settlement has taken place with the Mokuddums, or those of the principal Ryots who had long paid the revenue of their present tenures, being the villages of which they are inhabitants; it being meant that these mokuddumy tenures should be considered equally permanent, and be liable to the same conditions as those of the Zemindars; and where neither of these descriptions of persons could be found, the villages were let to farmers, excepting such part of them as for want of farmers remained amauny.

and of the talooka of Mujehwa in the pergunnah of Kuswa or Gungapoor;

Fifth. The zemindarry part of the talooka of Mujehwa, in the pergunnah of Kuswar and circar of Benares, has been let out in separate portions, under the seal of Phelwaun Sing (the principal Talookdar, and who was acting at the same time as Aumil and Collector on the part of Government), and the confirmatory signature of the Resident or of his Assistant, to Phelwaun Sing himself and his relations; he being subject to the same restrictions, with regard to making alterations in the settlement without the sanction of Government, as are imposed on the heirs of Rajah Adil Sah, in the pergunnah of Burbur Agowrie, as specified in Clause Third.

and of the talooka of Kernadanry in the same pergunnah.

Sixth. In the settlement of Kernadanry, in the pergunnah of Kuswar or Gungapoor, there is this peculiarity, that after the conclusion of it, Rajah Mahipnarain objecting to pottahs being granted by the Resident to the parties with whom it was made, on the ground that the talooka in question formed part of his family zemindarry of Gungapoor, it was in consequence settled between the Rajah and the Resident, in October 1794, that although, in consideration of the Rajah's objections, the Malguzars of this talooka of Kernadanry should not receive pottahs from Government in exchange for the cabooleats they had entered into, the Rajah (who is their Tehseeldar or collector) should not dispossess any of them without the sanction of the officers of Government, and in the event of complaints for exaction, that the case should be open to the same mode of inquiry as is established for similar complaints arising in the malguzarry lands in general, so as to continue the above-mentioned talooka, in this respect, distinct from the neej or family zemindarry lands of the Rajah. These family lands consist of the jaghires of Budhoee and of Kera Mungrore, and of the Rajah's part of the pergunnah of Kuswar or Gungapoor, inclusive of the talooka of Kerowna; and in consequence of objections offered by the Rajah, no mofussil or interior settlement has been made in them by the authority of Government, and the administration of justice in all matters relating to their revenue is specially provided for in Regulation XV. 1795.

As to the pergunnah of Lucknesr.

Seventh. The pergunnah of Lucknesr, in the circar of Ghazeepoor, is inhabited by a race of Raujepoots distinguished by the appellation of Singhers, who pay a moderate fixed revenue (which they assess amongst themselves) to the Tehseeldar, or native Collector, stationed with them on the part of Government, whose allowances they separately defray; and as neither the native nor the British Government had interfered with the interior assessment of this pergunnah, it was not included in the general arrangements that took place at the period of the quartennial and decennial settlements.

Peishcushy villages in the circar of Juanpoor.

Eighth. In the pergunnah of Juanpoor proper, and in that division of this circar called the Buksheeat, there are a certain number of villages held by Mahomedans, in virtue of altumgha, muddudmaush, or jaghire grants, from the Emperor or from the Soubahdars of Oude, but on which a peishcush by way of quit-rent was established during the administration of the native government. These peishcushy tenures were continued at the period of the permanent settlement.

Singrowlee.

Ninth. That part of the tract of country called Singrowlee, situated to the southward of the Soane river, which extends as far as the Belea rivulet, is tributary to the zemindarry of Benares, whilst the tract of the same district that lies beyond the Belea pays tribute to the independent Rajah of Burdee.

Salt farms.

XVIII. The districts in the circar of Juanpoor, in which salt is produced and manufactured, were let in farm, either inclusive of the land revenue or separately.

Provision made for the Pottahdars becoming huzoory, in case of oppression on the part of the Aumil.

XIX. In consideration of the habits prevalent amongst the newly restored body of Zemindars on their first reinstatement, it was thought advisable to continue them, at least for a period, under the superintendency of the Aumil of Government, both in respect to the police and the payment of the revenue. But, at the same time, to provide against exactions being made from them by the Aumils, it was, in addition to the penalty specified in Section II., declared a rule, that all persons holding pottahs of Government who might prove any oppression against their respective Aumils, should thereupon have the option of becoming huzoory, that is, to pay their own revenue directly to the public treasury, without the intervention in any shape of the agency of the Aumil.

Government's confirmation of the settlement for the period of the lives of the pottah holders, and abolishing of the tax on weavers.

XX. The settlement thus concluded was confirmed by Government, and extended to the lives of all the Pottahdars, by an order of the Governor-General in Council under date the 11th of February 1791, with the exception of the part of the ghur dewarry tax, described in Section XIII., levied from the weavers under the denomination of khergui, which was abolished.

Qualifications in respect to the rule for disallowing of agore betay.

XXI. The enforcement of the prohibition in Section II. against agore betay having met with some opposition from certain Brahmins and Atteets, the Government's share of whose crops had always been ascertained in that mode, and who declared their intention of committing violence on themselves if it was not adhered to with regard to them, the Resident, on the 17th of January 1789, issued a publication disapproving of the conduct of these Brahmins and Atteets, and apprizing them that the Regulations would be enforced. But the practice of agore-betay having prevailed only in a small portion of the country, and consequently there being little probability of many similar instances of opposition occurring, the Resident thought it advisable to accompany this publication with an order to the Aumils, authorizing and enjoining them not to insist on receiving a money rent from such of the above-mentioned Brahmins and Atteets as should so persevere in their objections, but to continue the practice of agore-betay with regard to them, until they should consent to the payment of a money rent as well as to the rate of the rent. This order was sanctioned by Government.

Resident's proceedings from the beginning of 1202 or 1794-5, towards restoring the defective parts of the permanent settlement.

XXII. The first period of the quartennial settlement having expired with the Fussily year 1200, several farmers and some of the landholders not choosing to avail themselves of the privilege of retaining their leases during their lives, as granted to them by the order of Government of the 11th of February 1791, the lands which they held consequently became amauny. The death of renters, the abuses occasionally practised by the Aumils, and the over-assessment of some places, had occasioned vacancies in other tenures, during the several years that had elapsed since the conclusion of the general settlement. In consequence of instructions from Government under date the 19th of September 1794, the Resident proceeded to re-adjust the settlement of the lands which had been included in these leases, by restoring such of the renters as appeared to have been unduly dispossessed, by admitting the heirs of parties deceased or reinstating the ancient Zemindars, both in lands relinquished by farmers, or which had remained amauny in the hands of the Aumils, and finally, by adopting means to improve the cultivation preparatory to issuing new permanent leases (which were accordingly granted) to the landholders and farmers in the pergunnahs of Nerwun, Dhoos, and Chownsa, the settlements made in which places in 1197 had in general failed, owing to the lands being too highly assessed, and to drought and other calamities of season. The settlement of Suktes' Ghur also being in a similar predicament, was renewed by the Resident in the month of October 1792; and the experience of several years having evinced that some part of the pergunnah of Zemanea, in the circar of Ghazeepoor, had been too highly assessed, adequate abatements were in consequence allowed.

New settlement made in the pergunnahs of Nerwun, Dhoos and Chownsa, and in the tuppeh of Suktes Ghur, and that of Zemanea corrected.

Aumils prohibited from dispossessing the pottah-holders, and Canongoes directed to report the names of all deceased persons of this class.

XXIII. In the beginning of the Fussily year 1202, a circular order, under date the 1st of November 1794, was issued to all the Aumils, prohibiting them, under penalty of dismission from their aumildarries, from displacing or dispossessing any person holding a pottah from Government without the assent of the Resident; and on the 20th of July 1795, circular instructions were transmitted to the Canongoes, enjoining them to report without delay the death of all such pottah-holders, that no lands might remain amauny under the Aumils without the knowledge of Government.

Option of becoming huzoory, that is of paying their revenue directly to Government, extended generally to all the land and lease-holders.

XXIV. In Section XIX. it has been stated, that it was an original regulation of the general settlement concluded in 1197, that proof of the Aumil having made undue exactions from, or otherwise oppressed, any of the landholders or farmers holding pottahs and paying revenue to Government, should entitle such injured party or parties to become huzoory, *i. e.* to pay their revenue into the treasury at Benares instead of through the medium of the Aumil. But for the more effectual protection and security of such pottah-holders, an option of thus becoming huzoory was given from the beginning of the Fussily year 1202, by a publication issued under date the 3d of October 1794, to all such pottah-holders as should previously enter into the required maal, fael, and

Encouragement held out to become huzoory.

Exception to this rule, in respect to the Rajah's aumildarry districts.

Qualification of this exception.

hazer zaminee, or security for the punctual discharge of their revenue, for their peaceable deportment, and for their appearance whenever their attendance may be required. To enable them to procure these securities, they were allowed by the publication one moiety of the Aumil's dehyek and bhuray on the amount of the revenue payable by them. This publication was sanctioned by the Governor General in Council under date the 19th of September 1794; but from the operation of it were excepted the lands under the Rajah and his family, comprehending not only the places specified in Clause Sixth, Section XVII., but those also of which he holds the aumildarry or collectorship, *viz.* the pergunnah of Ralhoopoor and the talooka of Jahloopoor, and those villages in the vicinity of Benares called the dehaat amanut. But in case of oppression proved, the Pottahdars of these last-mentioned places, and of all other mohals under the Rajah in which the settlement has been made by Government, are entitled, in virtue of the original rule contained in Section XIX., to become huzoory. The difference, therefore, between these aumildarry mohals under the Rajah and the rest of the country at large, consists in it not being merely optional with the Pottahdars to separate from him under the publication above specified in this section. As to the administration of justice in these aumildarry mohals under the Rajah, the jurisdiction of the courts of judicature extends over them in common with the country at large, and consequently they do not form a part of the Rajah's neej or family lands, the administration of justice in which is provided for by Regulation XV. 1795.

Regulation relative to disputes between Putteedars.

XXV. For determining questions concerning lands between Putteedars or brethren, and partners, inheriting and being, or pretending to be, entitled to joint or distinct proportions of one zemindarry, it has been observed as a general rule since the conclusion of the permanent settlement, to consider as superior, and immediately responsible to Government, the person or persons amongst such Putteedars, in whose name or names the Government's pottah has been made out, and to continue the other Putteedars or partners in such situation as they shall have stood in since the Fussily year 1197, leaving them, if dissatisfied with such order, to prosecute in the Adawlut for any further claims.

Practice in respect to the stipulations in Section XIV., for recovering balances by the sale of the lands of defaulting proprietors.

XXVI. The right of Government to dispose of landed property at public sale for the recovery of balances of revenue, is established by the tenour of the engagements of the Zemindars, as noticed in Clause Second, Section XIV.; but, in consideration of the local usages in that respect in the province of Benares, no such sales have hitherto taken place.

Regulations in respect to the future periodical ascertainment of the value of the lands remaining amauny.

XXVII. At the period of the settlement concluded in 1197 Fussily, the Aumils pledged themselves in writing, and on the faith of their religion, to collect only according to the jumma specified in the pottahs issued to the Talookdars and village Zemindars and farmers, and to pay in the whole amount thereof to Government, after deducting the dehyek and half bhuray. But there then were, and have since remained, several spots of ground and mozahs or villages, of which no fixed settlement having been made, the collection of the amount of the tushkees or ascertained funds which the Canongoes estimated to be realizable therefrom, was entrusted to the Aumils. These funds had, of course, varied during the period that had elapsed since the conclusion of the settlement; and several of the Aumils, on the expiration of their five years' leases at the close of the year 1200, claimed and received deductions from Government for alleged deficiencies in the funds of those amauny villages; whilst, on the other hand, where the actual had exceeded the estimated receipts, it was presumable that the Aumils or their officers had appropriated the surplus. From these considerations, and as the funds in the amauny or kham villages appertained altogether to Government (the Aumils being entitled only to their dehyek and bhuray), the Resident, on the 12th of January 1795, published an order, that from the beginning of the Fussily year 1202, the tushkees of the amauny or kham or cutcha villages, in every pergunnah, was to be ascertained by Aumeens, or other persons empowered for that purpose, on the part of Government, and that the amount of the funds, after deducting the dehyek and bhuray, was to be paid by the Aumils to Government. Aumeens were accordingly deputed on the above-mentioned date to ascertain the state of these lands, with instructions to summon the Putwarries of every village, and in the presence of the Canongoes, and of the officers of the Aumil, to ascertain the tushkees or assessable amount on each village and spot then held amauny, in conformity to the rye or rates of 1187; and afterwards to prepare and bring with them the state of the jummabundy of each village, under the attestations of the Canongoes, and the signatures of the Putwarries and the counter-signatures of the officers of the Aumils, that the payments of the Aumils to Government might be regulated accordingly. The Aumeens were likewise instructed, that if, in the course of their inquiries, it should appear that any of the Aumils had granted pottahs to their dependents in any of these amauny lands at lower rates than those of the pergunnah or division in which they might be situated, such pottahs so granted by them were to be declared null and void, the Aumils not having been empowered to dispose of any part of the revenue funds, but since the settlement in 1197 having been merely tehseeldaran-neshandar, or responsible Collectors.

Aumeens deputed to ascertain their present state.

Situation of the Aumils as responsible Tehseeldars or Collectors.

Rule in respect to applications to obtain grants of spots of ground in the vicinity of Benares exempted from the payment of revenue for temples and gardens.

XXVIII. Inconveniences having been experienced from the applications made to the Resident for grants exempting from the payment of revenue spots of ground in the vicinity of the city of Benares, on their being purchased by the native princes of India, or by wealthy natives, to convert into gardens or places of religious worship, the Governor General in Council determined, on the 28th July 1794, that no such grants should be made by the Resident without the sanction of Government.

A.D. 1795. REGULATION III.

A Regulation *for re-enacting, with Modifications and Amendments, the Rules for the Collection of the Customs in the Province of Benares:* Passed *by the Governor General in Council on the 27th March* 1795 *(corresponding with the 16th Chyte,* 1201 *Bengal era; the 22d Chyte,* 1202 *Fussily; the 16th Chyte,* 1202 *Willaity; the 22d Chyte,* 1852 *Sumbut; and the 5th Ramzaan,* 1209 *Higeree).*

I. Previous to the cession of Benares to the Company, the customs on the export, import, and transit branches of the trade of that province were in general collected on the weight of the goods. In the year 1773 an arrangement was made by Government, by which certain exemptions from this mode of collection were prescribed with regard to some of the Company's staples. This arrangement remained in force until the 22d November 1781, when it was ordered, that chokies or custom-houses for the collection of the customs should be established at three places only, *viz.* Ghazeepore, Benares, and Mirzapoor, where the customs were directed to be levied on all goods, at the rate of five per cent. on the valuation established in a book of rates then prepared for the purpose. On the 8th of April 1782, the duty was to be reduced to two and a half per cent. on various articles of spicery, raw silk, and metals imported; and by an amended code of Regulations for the customs, framed by Government on the 21st of October 1784, this rate was ordered to be extended to silk and silk piece goods. Some alterations were likewise made at this period in the book of rates, and all exactions under the denomination of toll or duty were prohibited. It was also ordered, that no part of the collections in the department of the customs should be let in farm, and the levying of double duties (*viz.* the former and the new duties) at Mirzapoor, and the exaction of duty on empty boats, were prohibited. The greater part, however, of the requisitions of the Regulations of 1784 were as ill attended to as the Regulations of 1781; the inland custom-house stations having continued, under the denomination of choora or sundries, equally numerous as before, and many of them having been farmed out agreeably to the former practice. Other interior tolls, likewise, continued to be levied by the landholders and farmers, and at the subordinate custom-house stations throughout the country; and the prohibitions, as to the collection of the double duties at Mirzapoor and the exactions on empty boats, were altogether disregarded. The order for levying two and a half per cent. on silk was likewise disobeyed, excepting as it respected the article of raw silk imported or exported by the Sanassy and Irak merchants, who, in consequence of the new duties operating as a burden on their trade, having discontinued to transport their goods by the way of Benares, the Rajah's Naib deemed it expedient to enter into an agreement with them, by which it was stipulated that they should pay two and a half per cent. on raw silk and five per cent. on piece goods, to be calculated on the price inserted in the rowannah or pass of the custom-house at Moorshedabad, and that the duties on their trade should be collected by a separate Darogah or superintendent. On a consideration of these circumstances, the Goveror General in Council, with a view to afford greater security to the merchants trading between Benares and the Company's dominions, resolved on the 26th December 1787, that rowannahs should in future be granted conformably to those issued in the provinces; that similar registers also should be kept by the Rajah's officers; that the duty on all imports from Bengal or Behar should be reduced to two and a half per cent.; that the Benares rowannahs should be current in the Company's dominions, and *vice versâ*, for the price of the goods exported from each country; that the value of goods produced in and exported from the district of Benares should be ascertained by the invoices of the exporters; that the zemindarry and inland duties, and all other collections on merchandize, excepting those authorized by Government, should be formally abolished, and that persons convicted of levying them should be subject to certain specified penalties; and, finally, that a court of justice, to be denominated the commercial court for the zemindarry of Benares, for taking cognizance of infringements of all Regulations regarding the customs, should be constituted, and presided in, by the Resident. The Regulations for the collection of the customs, founded on these resolutions, were directed to be in force from the 1st of April 1788, and subsequent to the enaction of them separate rules were passed for collecting the duties on the Deccan trade at Mirzapore; a commercial treaty was concluded by the Governor General in Council with the Nawaub Vizier, and another commercial treaty was entered into by the Governor General in Council with the Rajah of Nepaul, the provisions in the former of which treaties, as far as they affected Benares, were ordered to take place from September 1788, and those in the latter from April 1792; and in the last-mentioned year the export duty on goods, the growth or manufacture of the province of Benares, was reduced from five to two and a half per cent. The code of Regulations for the collection of the customs, introduced on the 1st April 1788, having been considerably altered by these subsequent arrangements, and other orders passed regarding the department of the customs, and further alterations being rendered necessary in consequence of the separation of the judicial authority from the charge of the collection of the public revenues, the following modified and amended code of rules for the collection of the customs in the province of Benares, has been enacted:

At what stations rowannahs are to be granted.

II. Rowannahs, or custom-house passes, are to be granted under the established rules, from the four superior stations or stations of collection, *viz.* Benares, Ghazeepore, Mirzapore, and Juanpore, according to the form prescribed by the Regulations introduced on the 1st of April 1788.

Rules for receiving derkhasts and issuing rowannahs.

III. The custom-houses are to be open every day for the transaction of business, and every rowannah applied for in the course of each day shall be issued during the following day. But no rowannah shall be granted excepting upon a written derkhast or application signed by the transporters or their authorized agents, specifying the price, quality, and quantity of the goods; and that the exact weight of the goods may be known compared with the weights in use in the province of Benares, the derkhast or application is to specify the number of rupees which form the seer at the place where the goods were originally purchased by the immediate owner.

How to be authenticated.

IV. Each rowannah is to have affixed to it the seals of the Rajah, the Darogah or Collector, the Mushriff or accountant, and the Tevildar or cash-keeper; and to prevent any balances remaining due at the end of the year, the last-mentioned officer is on no account to deliver out the rowannah until the duty be paid. Each of these officers is to have the custody of the public seal of his office, and the seal of the Rajah is to remain in charge of the Darogah. The said officers are severally to affix the seals thus entrusted to them to each rowannah, subscribing also their respective signatures, and the Darogah writing the words "mutlah shood" under the Rajah's seal. The proper authentications, also, are to be carefully observed with respect to the zemin or endorsements, and every rowannah is to be drawn out precisely in the same form. For neglect in any of these respects, the party offending is to be punishable by a fine not exceeding twenty rupees, to be levied by the Collector, for the first offence, and by dismission from office in case of his being guilty of a repetition of any such irregularity. The Collector is to report every

How neglect in the observance of official forms is to be punished.

instance in which he may fine or dismiss any of the officers of the customs under this section, with the circumstances of the case, to the Board of Trade, for their information, and such orders as they may deem it advisable to issue on the subject.

For what period a rowannah is to remain in force.

V. A rowannah granted at any one custom-house shall be considered as current throughout the province, during a period of six months, for the same goods, and to exempt the goods from all molestation or detention, further than may be requisite to enable the officers of any other custom-house to ascertain whether the goods and the rowannah correspond. The detention of goods for this purpose shall never exceed one day, on pain of the Darogah or officer causing their longer detention being fined by the Collector in a sum equal to the loss which may in consequence arise to the owner. The Collector is to report every instance in which he may exercise the power above vested in him to the Board of Trade. If the owner or person having charge of the goods shall not be satisfied with the Collector's decision, he may decline to avail himself of it, and have recourse to the nearest court of justice, which is in such case to try the cause, and to award to the party such damages as may appear to it equitable on a consideration of the circumstances of the case. Such suits are to be defended by the Vakeel of Government according to the instructions he shall receive from the Collector; but the damages awarded are to be defrayed by the officer by whom the injury may have been committed, who will, of course, have the option of appealing to the provincial court of appeal if he shall be dissatisfied with the decision of the zillah court.

How exchanged rowannahs are to be granted.

VI. In explanation of that part of Section V. which directs that a rowannah shall be in force for six months, it is hereby provided, that should a merchant be desirous of keeping his goods for a better market longer than the period for which the rowannah is current, he shall be entitled to an exchanged rowannah for six months longer, on oath being made by the owner to the identity of the goods, or satisfactory proof thereof being obtained, and the old rowannah being surrendered: or should a merchant be desirous of dividing a despatch into smaller parcels after having taken up a rowannah for the whole, he shall be entitled to as many rowannahs as he may require, on identifying the goods as above specified and surrendering the old rowannah. But a merchant, after arriving at the place of his destination, shall on no account be entitled to a new rowannah duty free, on pretence of his having transported only a part of the despatch under the original rowannah. On all exchanged rowannahs the seal and name of the Tevildar are to be omitted; in lieu of which the number and date of the original rowannah are to be inserted in the body of the exchanged rowannah, and the Darogah is to cancel the old rowannah, by endorsing the date of the new one upon it, that it may not be again presented to be exchanged.

Manner in which a rowannah is to be applied for and taken out for goods at a distance.

VII. *First.* That the transportation of goods by land or by water may be attended with as little interruption as possible, the Darogahs of each of the four stations of collection, on the receipt of the written application of the transporter, or of his authorized agent, are to collect the duty, and to issue the rowannah according to the specifications in the written application; but the goods are to be liable to be compared with the rowannah at the several subordinate stations and at the stations of collection, and if found not conformable thereto, and to the written application for the rowannah delivered by the merchant at the time of his taking it out, the whole of the said despatch shall be immediately transported to the nearest station of collection, and from thence by the Darogah of that station, with a statement of the circumstances of the case, to the Collector at Benares, where, upon proof of intention of fraud, the goods shall be liable to the penalties and forfeitures specified in the following section. It is to be understood, however, that the party in charge of the goods is to be at liberty to apply to the courts of justice for redress against the order which may be passed by the Collector, provided that such application be preferred within fourteen days after the date of the order.

Penalty for goods passing, or attempting to pass by water, any station of collection without taking out a rowannah,

Second. The duties on goods being moderate, and there being no difficulty in obtaining rowannahs, merchants importing or exporting goods to or from the province of Benares, shall pay the duties either previous to, or on the arrival of their boats with goods opposite to either of the four stations of collection; and boats with goods stopped in the attempt of passing either of the said stations, without the duties having been previously paid and a rowannah taken out, shall pay double duties.

or by land.

Third. The officers of every subordinate inland chokey, or station, are to stop all goods proceeding by land, until the proprietors thereof shall have sent to the head station and taken out a rowannah; and importers of goods passing, or stopped in the attempt of passing, any such subordinate inland station on the frontiers, without a rowannah having been taken out for them before their arrival at such subordinate station, or without the owner or person in charge of them having stopped at such station, and sent to a head station and taken out a rowannah, shall for such act be subjected to the payment of double duties.

Parties transporting goods by water may pay the duty thereon at either of the principal stations of collection.

Fourth. As it may be often convenient to persons transporting merchandize by the Ganges to pay the amount of the duty chargeable thereon at some one of the four head custom-houses in preference to another, an option is accordingly left to them of paying the duties at whichever of the four head custom-houses they may think proper, upon condition of their submitting their goods to inspection at the first head custom-house which they may approach, and entering into a written engagement with the Darogah thereof to pay the duty at the head custom-house at which they may be desirous of discharging it, to the Darogah of which the said engagement is accordingly to be in due time forwarded by the Darogah to whom it may be executed.

Penalty for merchants exhibiting false manifests or fabricated invoices and taking out short rowannahs.

VIII. To deter merchants, or others, applying for rowannahs, from giving in the names of goods of a different species from, or of an inferior quality to, those which they intend to transport, or from exhibiting fabricated invoices, the Darogahs of any of the stations of collection where such goods may pass are authorized, either on suspicion or information, to order one bale or package to be opened in the public cutcherry, when, if any such fraud be discovered, the Darogah shall forward the whole despatch, under a proper guard of Peons, to the Collector, who, on the fact being proved, and where the goods do not exceed the quantity specified in the rowannah one-sixth of the whole, shall order double duties to be levied on the said excess; and where such difference is more than one-sixth and not above one-fourth, double duties shall be levied on all the said goods, including as well those covered by the rowannah as the surplus; and lastly, where the said surplus or excess shall exceed one-quarter of the whole, the said goods shall be forfeited. It is to be understood, however, that such double duties and forfeitures are to affect only the particular assortment of goods wherein such surplus may be found, and not the other sorts of goods covered under the rowannah; and that in every case wherein the Collector is authorized under this section to pass any order, either for the exaction of double duties or the confiscation of goods, an option is left to the owner, or the party or parties in charge thereof, of applying for relief against such order to the nearest court of justice, which shall accordingly try the merits of the case, provided that such application be made within fourteen days after the passing of the Collector's order. The Collector is to be considered as defendant in the cause, and if either party shall be dissatisfied with the decision of the Judge they will be at liberty to appeal under the Regulations for preferring appeals. The court to whom the party whose goods shall have been ordered by the Collector to be confiscated shall so apply within the prescribed period, may order the said goods to be restored to him, on his entering into good and sufficient security, in a sum equal to the estimated value thereof, to abide by and perform all such orders and decisions as shall be passed in the suit which he may have so instituted.

Collector's decisions in all cases of penalties and forfeitures revisable by the courts of justice.

Benares rowannahs to regulate the duty to be levied on its exports to Bengal, Behar, and Orissa, and *vice versâ*.

IX. The Benares rowannahs have been rendered current in the provinces of Bengal, Behar, and Orissa, and *vice versâ*, for the price of the goods exported from each country. This rule will exempt the merchants from experiencing any delay in the valuation of their goods, when transported from one jurisdiction into the other, as the further or second duty in either jurisdiction will be payable on the price or valuation of the goods as inserted in the rowannah under which they may have been first exported.

Articles free of duties.

X. *First.* Goods imported from Bengal, Behar, or Orissa, under maafy rowannahs (rowannahs granted without the payment of any duty) are to be allowed the same exemption in Benares, and *vice versâ*; with this proviso, that all such rowannahs granted in Benares be authenticated by the Collector's own signature, which is not required to rowannahs for goods charged with duties.

Salgram stones, &c.

Second. Salgram stones are allowed to be imported, and the quarry stones from Chunar to be exported, free of duty; and cattle, horses, elephants, and all quadrupeds, are exempted from the payment of any import or export duty.

General rates of duty on imports and exports, and valuations on which such rates are to be calculated.

XI. *First.* With a view to promote the ease and advantage of the merchants, the book of rates framed in 1781, and amended in 1784, is no longer to be invariably considered as the rule for ascertaining the value of the merchandize on which the duty is to be levied, but the value of the goods, and the rate of duty, are to be ascertained and levied according to the following rules:

On imports from Bengal, Behar, and Orissa, for consumption in Benares, or for exportation into Oude, or to the Deccan or westward.

Second. On all goods imported under rowannahs from the provinces of Bengal, Behar, and Orissa, intended for exportation to the Deccan or to Oude, or any other of the western markets; or for internal consumption in the province of Benares, two and a half per cent. is to be collected on the value of the goods, as specified in the rowannah granted in the said provinces.

Third.

On imports from Oude.

Third. According to the commercial treaty concluded by the Governor General in Council with the Vizier in 1788, as far as regards Benares, no exemptions are to be claimed on either side; and the rowannahs are to specify the quantity and valuation of the goods, and the duties in each country are to be levied on the valuation which may be specified in the rowannah granted in the other; excepting that the valuation of cotton imported through the Vizier's dominions is to be six rupees per maund of ninety-six sicca rupees to the seer, and on this valuation, which will be specified in the Oude rowannah, a duty at the rate of two and a half per cent. is to be levied. This rate of duty is likewise fixed for silk and cotton goods imported from the Vizier's dominions. All other goods are to pay on the valuation in the rowannah a duty of five per cent., half of which is to be levied in Benares and half at Mangee, when the goods are to be again exported to the province of Behar, or otherwise (with the exception in the treaty as to silk and cotton piece goods) the whole duty of five per cent. is to be levied. It is also to be considered as a general rule, that double duties are to be levied on goods that are occasionally imported from Oude, either without any, or with informal and insufficient rowannahs, not specifying the quantity and valuation of the goods as required by the treaty aforesaid; and, in such cases, the valuation of the goods is to be taken from the Benares book of rates.

From Nepaul.

Fourth. On imports from Nepaul, a duty of two and a half per cent. is to be levied on the importer's invoice, according to the commercial treaty with that state; but if this rate of duty shall have been previously paid on such goods on their passage through Bengal or Behar, no duty whatever is to be exacted on their importation into the province of Benares.

On imports from all other countries. Exception with respect to shawl goods and to the Deccan trade to Mirzapore.

Fifth. On the imports from all other countries five per cent. is to be paid on the valuation in the book of rates; excepting the article of shawl goods, the duty on which is to be collected, as already established, at the rate of two and a half per cent. on the beejick or invoice of the importer. This beejick is to be produced to the Custom-master, and after having the Rajah's seal affixed to it and a copy of it being retained, it is to be returned to the owner, with the rowannah made out in conformity to it. But as it may sometimes happen that a person importing shawl goods may be without such beejick or invoice, from his having brought to the Benares market a part only of his original purchase, the value is, in such case, to be estimated by the award of three or four respectable merchants, to be assembled for that purpose at the custom-house.

Duty on Benares exports.

Sixth. On all goods produced or manufactured for exportation in the province of Benares, two and a half per cent. is to be levied on the valuation of the invoice exhibited by the exporter. This invoice is thereon to have the custom-house seal affixed to it, and a copy of it being retained, the original is to be returned to the party exhibiting it. On indigo the duty is to be levied according to the valuation in the book of rates. Sugars exported, after being refined in the province from goor or shukker imported into it, are not to be liable to any export duty; but frauds committed under the cover of this indulgence with regard to sugar, are to be punished by confiscation of the entire property, by the same process, and under the same rules, as are prescribed with regard to confiscations in Section VIII.

Penalties against the custom-house officers collecting any amount above the established duties.

XII. Besides the duties above specified, which are to be collected upon imports and exports, as mentioned in the preceding section, no duty, custom, toll, or fee whatever, shall be levied upon the transportation of any article of trade or merchandize, or upon the sale or consumption thereof, in any gunge, bazar, haut, pait, village, town, or place whatsoever. If any custom-house officer shall levy, take, or accept any such extra duty, custom, toll, or fee, on the transportation, or on the sale or consumption of such goods, he shall be fined in a sum equal to treble the amount so illegally received, and the Collector shall order the whole of the fine so levied to be paid as an indemnification to the party injured. The Collector is empowered to receive complaints of exactions against all officers employed by him in the department of the customs, and to cause them to restore unauthorized collections, and to punish the exactors by fine or dismission. It is to be understood, however, that the complainants are to have the option of applying to the courts of judicature, in the event of the Collector's omitting to afford immediate and satisfactory redress, in which case the trial is to be conducted in the manner specified in Section V.

Encouragement to the native officers of the customs to be watchful in preventing smuggling.

XIII. The Darogahs or principal native Collectors of the customs, and the officers of their respective establishments, are to be careful to prevent goods being smuggled, either without rowannahs or under short rowannahs granted within the province, whether such goods be passing to or from their own principal station, or either of the three other head stations of collection; and as an encouragement to the Darogahs, and to the officers subordinate to them, to be attentive to the discharge of this part of their duty, it is declared that a proportion of twelve annas in the rupee, or three-fourths of the produce of the sale of all goods, which having been seized by them in the attempt to be smuggled may be afterwards confiscated and sold, shall on condemnation, in the manner provided in Section VIII., belong to the seizers in the following proportions:

To the Darogah	6 annas.
Mushriff	2 do.
Tevildars	2 do.
Searchers	2 do.
Total	12 annas.

The remaining fourth is to be appropriated by Government.

Responsibility of the native officers.

Darogahs answerable for the acts of all the officers in their department, the Mushriff and Tevildar excepted.

XIV. With the exception of the Mushriff and Tevildar, the Darogah of each station is to be held responsible for the conduct of all the officers under him, both at the sudder and in the mofussil, and is to take mochulkas, and security for his own indemnification, for their good conduct; and he is, moreover, empowered to remove them at his discretion, only informing the Collector with his reasons for so doing. If any fee, or any consideration whatever, shall be taken by the Darogah, or his sudder or mofussil officers, from any merchant or trader, or any other person or persons whomsoever, such Darogah, on complaint and proof before the Collector or any court of justice (in the manner prescribed in Section XII.), shall be fined to the amount of three times the sum thus taken either by himself or his officers, besides being liable to dismission, at the discretion of the Collector or of the Board of Trade, either of whom may also order such of the inferior officers to be dismissed, as on such occasions may be found to have personally offended; without, however, affecting the Darogah's right to recover from such offenders for whom he shall have been thus rendered responsible, either by legal process or otherwise, the full amount of the penalty in which he shall have been amerced on their account. The Mushriff and Tevildar are to be held responsible for their own acts, and to be subject to the same penalties of fine and dismission, as by the preceding part of this section may be awarded against the Darogah.

Darogahs to transmit lists of the officers employed under them.

XV. The Darogahs of each station are to transmit to the Collector a list of the officers and servants employed by them according to their respective establishments for each division, and to send with their respective monthly accounts the receipts of the said officers, as vouchers of their having paid their monthly wages.

Subsidiary Regulations for the Deccan trade at Mirzapoor.

XVI. *First.* The following rules for the collection of the customs on the Deccan trade, at the mundovy or mart of Mirzapoor, were passed in April and December 1788, and in April 1790.

When the imports are to be examined.

Second. The tellashee, or search and inspection of the goods imported by land by the Deccan Beoparies, is to take place on the arrival thereof at the Deccan, or south gateway of the mundovy or mart.

When the duty on imports is to be paid.

Third. The import duty of five per cent. on the valuation in the book of rates, is to be paid in proportion as the said importers dispose of the whole or any part of their investments, upon which rowannahs for the goods are to be issued in the names of the original importers.

When chore chitties may be issued instead of rowannahs.

Fourth. For the quicker despatch of business, it is ordered, at the request of the Deccan Beoparies, that chore chitties, or passes, with one seal only, instead of rowannahs, may be granted for all goods passing from the mart of Mirzapoor to the Deccan, provided that such goods shall have been first imported into the mart under a rowannah, certifying the duties of the province of Benares to have been collected thereon; but in respect to goods which, from being of the produce or manufacture of this country, shall have been imported into the mundovy or mart without a rowannah, or being charged with duties, whenever such goods shall be exported to the Deccan, they must be cleared out and accompanied by a regular rowannah, according to the form thereof established by the Regulations which were in force from the first of April 1788.

Rule as to cocoa-nuts.

Fifth. Cocoa-nuts, either with or without the bark, are to be considered as the same, and passed as such in the entries of the custom-house at Mirzapoor.

Division of the import duty between the importer and purchaser.

Sixth. In December 1788, the Governor General in Council sanctioned an arrangement proposed by the Deccan merchants at Mirzapoor, whereby, of the duty of five per cent. payable on their imports, one-half is charged to and received from themselves; and the other moiety is paid by the person or persons to whom they dispose of such goods in the mart, for transportation and sale beyond its limits, it being understood and stipulated, that if the Deccan importer, instead of selling his goods thus brought into the mart, shall choose, in view to a better market, to carry them further into the district, he is to pay the remaining half of the fixed duty himself, so as on the whole to make up the five per cent. import duty due to Government on the goods.

Seventh.

Valuation on which the duty on the Deccan cotton is to be rated.

Seventh. In consequence of the former over-valuation of the cotton imported by the Deccan Beoparies into the Mirzapoor mart and other parts of the province of Benares, it has been fixed since the month of April 1790, that all such cotton shall be valued at eight rupees per maund, instead of twelve rupees, at which it stands valued in the book of rates.

Prohibition against the transportation of warlike stores.

XVII. The transportation of cannon, guns, or other descriptions of fire-arms or warlike stores, to or for the use of the country powers or private persons, without a pass from Government, being prohibited, the officers of the customs are directed to pay the strictest attention to this prohibition, and to seize within their respective jurisdictions any such arms or stores attempted to be passed in violation of it. The arms or stores so seized shall be confiscated to the use of Government, in the manner, and subject to such revision, as is provided for cases of confiscation in Section VIII.

A. D. 1795. REGULATION IV.

A REGULATION *for prohibiting the Collection of internal Duties, in the Province of Benares:* PASSED *by the Governor General in Council on the 27th March 1795 (corresponding with the 16th Chyte, 1201 Bengal era; the 22d Chyte, 1202 Fussily; the 16th Chyte, 1202 Willaity; the 22d Chyte, 1852 Sumbut; and the 5th Ramzaan, 1209 Higeree).*

I. PREVIOUS to the cession of Benares to the Company, and until the year 1781, internal duties and tolls, in addition to the duties collected on the import and export trade, were exacted throughout the province; and notwithstanding the orders passed in that year, that no duties should be collected but at the stations of Ghazeepore, Benares, and Mirzapore, and the repetition of those orders in 1784, the trade of the province continued to be burdened by a variety of interior tolls and exactions, levied partly at the custom-houses and partly by the Aumils, and the Zemindars and farmers under their authority, until the end of the Fussily year 1194, or September 1787, subsequent to which period, in order to remove these obstructions to the trade of the province, the following rules and measures were adopted and established, which are hereby enacted into a Regulation.

Abolition of the rahdary, and other interior duties, collected by the Zemindars and Aumils.

II. In the settlement for the Fussily year 1195, it was stipulated with the Aumils, by a clause in their cabooleats, that they should relinquish the collection of all tolls and duties on the transportation of grain, and other articles of the interior trade of the province, which they before collected with the land-revenue, under the penalty of being subject to a fine equal to treble the amount of every sum so levied.

Order of Government for the general abolition of all zemindarry duties.

III. On the 26th December 1787, the Governor General in Council ordered that the zemindarry duties, and all other collections on merchandize excepting those authorized by Government, should be formally abolished, and penalties were prescribed for such persons as might be convicted of levying any exaction whatever on the property of the merchants, contrary to the spirit of this order.

IV. It

Prohibition of all interior zemindarry, rahdary, and gunge duties, and penalty for the exaction of them.

IV. It was, in consequence, ordered by the thirteenth article of the custom-house regulations of the 29th March 1788, and which were in force from the 1st April following, that no duties of any kind or denomination should be collected in any part of the country, excepting at the four principal custom-houses of Benares, Ghazeepore, Juanpore, and Mirzapore, nor upon the transportation of any goods produced or manufactured in one part of the country and sold or consumed in another (with the exception of the goods sold which might be afterwards exported), and that any person levying duties or exactions, under whatever denomination, on such goods, in opposition to this prohibition, should be liable to a fine equal to three times the amount received; and as an encouragement to persons so aggrieved to prefer their complaints to the Judge of the nearest court of adawlut, who was bound to render them speedy and effectual justice, the whole of the fine was directed to be paid to the party from whom the exactions might be made.

Stipulation with the Aumils for the relinquishment of the sayer collections.

V. The settlement for 1196 (commencing with September 1788) having been formed on the Canongoes' estimates of the mal and abwaub, or land-revenue only, without including the sayer collections before levied by the Aumils and landholders, which had been prohibited in the preceding year, a clause was inserted in the engagements of the Aumils, reciting that all the sayerjehaut, or sayer collections, and the duties on the transportation of merchandize, having from the preceding year 1195 Fussily been prohibited by Government, they were neither themselves to levy, nor to allow any other person to levy, any of those articles of collection, under the penalty of paying a fine equal to treble the amount received; and they were furnished with forms of cabooleats, containing clauses to a similar effect, to be taken by them from their under-renters, the village Zemindars, and farmers.

Engagements of the Zemindars and farmers to the same effect in 1197,

VI. On the conclusion of the permanent settlement with the Zemindars and farmers of the talooks and villages in 1197, they entered into cabooleats or engagements, in which it was stipulated that as all the sayerjehaut, and rahdary duties and exactions, had been abolished from the Fussily year 1195, they were not to make any collections on these accounts, under the penalty of paying treble the amount exacted, in the same manner as had been stipulated with the Aumils in the preceding years.

and of the Aumils for the same year.

VII. At the conclusion of this permanent settlement, the Aumils also (who were appointed to collect the land revenue payable according to the settlement) entered into a new engagement with Government, by which it was stipulated, that as all gunge, rahdary, and sayer collections, had been abolished from 1195 Fussily, they were not to collect, receive, or suffer to be collected or received, any thing on these accounts, under the prescribed penalty of paying treble the amount so exacted.

Cases of undue exactions under the above heads cognizable in the adawluts.

VIII. The prohibitions contained in the preceding sections are to be strictly attended to, and the whole of the penalty recoverable on every breach of them is to be paid to the party from whom the illegal exactions may be made, on his proving them in a court of judicature.

Suits founded on these Regulations to be tried in preference to others.

IX. It being of importance that merchants and others, from whom any such illegal exactions may be made, should obtain the most speedy redress, the Judges of the several courts are required to be at all times ready to receive and hear complaints of such exactions, in preference to all other suits, so that the party injured may experience the least possible delay in obtaining a decision.

Authority vested in the Collector and Darogahs of the custom-houses for repressing undue exactions.

X. As it may happen, that persons from whom such illegal exactions may occasionally be made by Zemindars or others, may omit to prosecute the offender in a court of justice, and it being essential to the protection of the trade of the country that every means should be adopted for preventing such undue collections, the Darogahs of each station are to be careful to transmit to the Collector information of all unauthorized chowkies stationed for the collection of duties, that may at any time be attempted to be established by any Zemindar, farmer, or other person or persons, for the collection of rahdary, or gunge, or other duties or exactions; and if the party thus offending shall not immediately withdraw and abolish the chowkey so established, as well as pay to the Collector the amount that he or his people may have levied (which is to be restored to the party or parties from whom it may have been exacted), the Collector is to cause a prosecution to be instituted against such Zemindar, farmer, or other person so offending, both for the removal of the chowkey and for the recovery of the prescribed penalties.

A.D. 1795. REGULATION V.

A REGULATION *prescribing Rules for the Conduct of the Collector of the public Revenue in the Province of Benares:* PASSED *by the Governor General in Council on the 27th March* 1795 *(corresponding with the* 16*th Chyte,* 1201 *Bengal era; the* 22*d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the* 22*d Chyte,* 1852 *Sumbut; and the* 5*th Ramzaan,* 1209 *Higeree).*

I. THE following rules are prescribed for the guidance of the Collector of the public revenue in the province of Benares.

Collection of the revenue in the province of Benares to be committed to one covenanted civil servant of the Company, who is to act in the two capacities of Collector of the Customs and Collector of the Land and other Revenues.

II. *First.* The collection of the public revenue, whether arising from the customs or the lands, or other source, is to be committed to one covenanted civil servant of the Company, who is to be styled, in his capacity of Collector of the customs, "Collector of the Customs in the province of Benares;" and in his capacity of Collector of the land and other revenues exclusive of the customs, "Collector of the Revenue in the zillahs and places in the province of Benares."

Oath of office as Collector of the Customs.

Second. As Collector of the Customs, the Collector, previous to entering upon the execution of the duties of his office, is to take and subscribe an oath similar to that prescribed to the Collector of the Government Customs at Mangee, in Section III., Regulation XLII. 1793.

And as Collector of the Land and other Revenues.

Third. As Collector of the Land and other Revenues exclusive of the customs, he is to take and subscribe the oath prescribed by act of Parliament for servants of the Company employed in the collection of the revenue.

Collector, in his capacity of Collector of the Customs, to act immediately under the authority of the Board of Trade and the rules

III. *First.* In his capacity of Collector of the Customs, the Collector is to conform to Regulation III. 1795, and such other Regulations relating to his office as may be printed and published in the manner prescribed in Regulation

XLI. 1793, and is to correspond with and obey all orders which he may receive from the Board of Trade or the Governor General in Council.

and regulations herein specified;

Second. As Collector of the Land and other Revenues exclusive of the customs, he is to correspond with, and obey all orders which may be transmitted to him by the Board of Revenue and the Governor General in Council, and is to conform to the rules contained in the following sections.

and as Collector of the Land and other Revenues, to act immediately under the authority of the Board of Revenue, and to conform to the rules and regulations herein specified.

IV. The Collector is to use a circular seal, one inch and a half in diameter, with an inscription to the following effect, in the Persian character and language, and the Hindostanee language and Nageree character, "The seal of the Collector of Benares."

Seal of the Collector.

V. The Collector is to keep a regular diary of his official transactions, either in the English, Persian, or Hindostanee languages, recording and attesting them with his official signature at the time they may take place.

Collector to keep an attested diary of his official transactions.

VI. The duties prescribed in the following sections are to be performed by the Collector, under the superintendence of the Board of Revenue.

Duties to be performed by the Collector under the superintendence of the Board of Revenue.

VII. *First.* To collect the amount of the fixed revenue assessed upon the lands of the Talookdars, Zemindars, Putteedars, distinct or common, or other actual proprietors of land.

To collect the public dues from the proprietors,

Second. To collect the stipulated annual revenue from the farmers of estates let in farm.

and farmers of Revenue,

Third. To collect the public dues from estates held amauny (estates for the payment of the revenue of which no settlement has been concluded or may subsist).

and from lands held amauny.

Fourth. To make the future settlement of amauny and farmed estates agreeably to the regulations and the instructions which he may receive for that purpose; observing it as a general rule, in forming the settlement of all lands held amauny, that the public revenue to be paid to Government is to be fixed according to the actual jydaad or existing funds, arising from the lands in cultivation, after deducting ten per cent. from such funds, for the charges of management, and the profits of the party with whom the settlement may be made, and adding, where there is much uncultivated ground within the limits of the lands to be included in the settlement, a moderate russud or progressive increase, for the four or five first years of it. The settlement of lands let in farm to be made, on the death of the farmer, will regard only the determination respecting the person who is to succeed to the lease, and is not to affect the amount of the public revenue assessed on the lands included in the lease, which in all farmed estates is to continue unalterable, as it may have been fixed by the rules regarding the permanent settlement concluded in, or subsequent to, the Fussily year 1197. But if the parties entitled to re-enter into possession as Zemindars, on the avoidance of the lease of any farmer, under the operation of Section III., Regulation I. 1795, shall not accept of reinstatement on condition of paying the existing fixed jumma, they shall not be entitled to be restored in future, unless they agree to the payment of a jumma to be adjusted agreeably to the rules above prescribed for forming the settlement of amauny lands in general, or such other conditions as shall be prescribed by the Governor General in Council.

To make the future settlement of amauny and farmed lands.

On what principles such settlements are to be made.

Fifth. To prosecute for the recovery of the dues of Government from lands, of

To prosecute for the public dues from lands illegally held exempt from the payment of revenue.

of whatever description, held exempt from the payment of revenue under illegal or invalid tenures.

To pay the zemindarry pensions included in the public jumma and the sayer pensions.

Sixth. To pay the pensions and allowances included in, or chargeable on, the public revenue, inclusive of those granted in lieu of former charitable assignments on the abolished sayer, according to the separate regulation for those purposes.

To execute the orders of the court of wards whenever its jurisdiction shall be extended to Benares.

Seventh. To execute the instructions of the court of wards regarding disqualified landholders and their estates, whenever the jurisdiction of that court shall be extended to Benares.

To superintend the division of estates.

Eighth. To superintend the division of, and to apportion the jumma on landed property paying revenue to Government, which, whether from private sale, donation, or otherwise, from being joint and undivided, may become separated into two or more distinct estates, in conformity to Regulations XXV. 1793, and XXVI. 1795, and Section VII., Regulation XXVII. 1795.

To apportion the jumma on lands disposed of at public sale.

Ninth. To apportion the revenue on any part or parts of estates ordered to be disposed of by public sale, for the discharge of arrears of revenue, agreeably to the principles prescribed in Section VII., Regulation XXVII. 1795.

To collect the tax on spirituous liquors or intoxicating drugs or articles, and of ghur dewary.

Tenth. To collect the tax on spirituous liquors and intoxicating drugs or articles, and the tax of ghur dewary or khanah shoomary, according to the separate regulation for that purpose.

To procure lands for native invalid soldiers.

Eleventh. To procure lands for the native invalid soldiers, who, on taking a discharge from the service, or otherwise, may accept of a provision in land.

To perform the above and all other duties according to any regulations for his guidance printed and published in the manner prescribed in Regulation XLI. 1793.

Twelfth. To perform the above, and all other duties, according to the rules that have been, or may be prescribed to him, by any regulation published in the manner directed in Regulation XLI. 1793.

To furnish the required annual and other accounts.

Thirteenth. To transmit such annual, monthly, or other accounts, as were furnished by the late Resident, or as may be hereafter required to be sent by the Board of Revenue, or any officer under that Board empowered to require such accounts.

To conform to all special orders from the Board of Revenue or public officers.

Fourteenth. To conform to all special orders that may be issued to him by the Board of Revenue, or by public officers empowered to issue such orders.

To procure redress in cases of complaint from the Malguzars and Ryots of the Rajah's jaghire, and his paternal zemindarry of Gungapoor.

VIII. On complaints being preferred by any of the Malguzars and Ryots of the Rajah's family zemindarry of Gungapoor, and of his jaghires of Budhoee and Kera Mungrore, the Collector is to cause redress to be afforded to the complainants, in the manner pointed out in the agreement concluded between the Rajah and the Resident on the 27th of October 1794, as prescribed in Section III., Regulation XV. 1795; corresponding on such matters, when necessary, immediately with the Governor General in Council.

The Dewan and native officers to obey the orders of the Collector, and not to perform any public act without his sanction.

Penalty.

IX. The Serishtadar (who is henceforward to be denominated the Dewan), and all native officers under the Collector, are to act agreeably to his orders and such rules as he may prescribe. They are not to perform any act of authority without his sanction, under pain of being fined in a sum not exceeding six months' salary or of being dismissed from their offices, by the Collector, the Board of Revenue, or the Governor General in Council, and also of being sued in the court of judicature for damages, by any person who may consider himself aggrieved by such unauthorized act.

Collector not to employ his private servants in public matters.

X. The Collector is prohibited from employing, directly or indirectly, his private servants, whether bannians or others, in the discharge of any part of his public duties, it being required in all matters relating to the trust committed to him that he act as the only empowered agent of Government. This prohibition, however, is not meant to restrict him from occasionally employing his Assistants of Dewan, or his inferior public servants, in the cases and in the manner in which he is authorized to make use of their agency.

XI. The Khezanchee, or native cash-keeper at Benares, is to act under the orders of the Collector, who is to report to the Board of Revenue all instances in which he may have cause of complaint against the Khezanchee or his agents. The Khezanchee is not to be removed from his office without the sanction of the Governor General in Council.

Rules respecting the Khezanchee.

XII. All issues from the treasury of the Collector are to be made under a warrant signed by the Collector and sealed with his official seal, and countersigned by the Dewan, who shall write under his signature the sum for which the warrant may be granted. The native cash-keeper is prohibited paying any money without such written authority, under the penalty of being made responsible for it should the payment be afterwards found to have been unduly made. These warrants are to be numbered, and a register of them is to be kept in the current language of the country by the keepers of the native records, who are to attest by their respective signatures on the face of the warrant, that it has been duly registered.

Form to be observed in issuing public money.

XIII. The appointment and dismission of all native public officers on the establishment of the collectorship, the keepers of the records and the Khezanchee excepted, are vested in the Collector; but he is to transmit to the Board of Revenue regular notice of all appointments and removals, and is to employ none but such public and registered officers in matters in any respect relating to his official duty, and is not, under any plea or pretext, to confer on his public officers any private trust relating to his personal concerns.

Appointment and removal of native servants vested in the Collector.

Exceptions.

To transmit regular notice of all appointments and removals to the Board of Revenue.

Public and registered officers only to be employed in public matters.

XIV. In the event of the death or removal of the Collector, or of his absence from his station, the senior Assistant on the spot is to perform the duties of Collector, and the Dewan and the public officers of the collectorship are accordingly to obey his orders.

In the absence of the Collector the senior Assistant to officiate in his room.

XV. No Collector, Assistant, or Dewan to a Collector, nor any native in the employ of a Collector or of an Assistant, shall hold, directly or indirectly, any farm, or be concerned on his private account in the collection or payment of the revenue of any lands in the province, either as farmer, surety, or otherwise; and native officers, and private servants and dependents of Collectors, and Assistants, are prohibited from purchasing, directly or indirectly, any land which the Collector may dispose of at public sale, under the penalty of forfeiting the property to Government, upon proof being made, to the satisfaction of the Governor General in Council, of the property having been so purchased.

Collector and his officers prohibited being concerned extra-officially in the revenue.

Native officers prohibited purchasing lands at public sale in the district.

XVI. The rules in the preceding section, however, are not to be considered to prohibit a Dewan, or other native officer of a Collector, or any private servant of a Collector or of an Assistant, from purchasing *bonâ fide* the proprietary right in lands situated in the zillah by private sale.

This rule not to preclude such native officers or servants from making *bonâ fide* purchases of land at private sale.

Collector not to give lands in farm to Europeans, nor to accept of their security for Zemindars, farmers, or Ryots.

XVII. No Collector shall give land in farm to a European, directly or indirectly, or accept the security of a European for any Zemindar, farmer, or Ryot.

Collector, Assistant, or Dewan, prohibited from trading.

XVIII. No Collector, Assistant, or Dewan, shall directly or indirectly carry on any trade, or be concerned in any commercial transaction whatever. This prohibition with regard to the Collector and his Assistants is declared to extend to the purchase, directly or indirectly, of any goods or commodities in the provinces of Benares, Bengal, Behar, or Orissa, for the purpose of remitting money to Europe.

Dewan of the Collector prohibited from lending money to landholders, &c.

XIX. The Dewan of the Collector is prohibited lending money, directly or indirectly, to any proprietor or farmer of land, under-farmer, or Ryot. Loans made in opposition to this rule shall not be recoverable in any court of judicature.

Collector to keep complete and preserve the public records.

XX. The Collector is to be careful that the accounts and records are kept complete and duly preserved.

Sepoys not to be employed in the collection of the public revenue.

XXI. The Collector is not to employ Sepoys in the collection of the public revenue.

No advances of tuccavy to be made but by the sanction of the Board of Revenue.

XXII. The Collector is not to advance any money on account of tuccavy, without the express sanction of the Board of Revenue.

Rule with regard to receipts.

XXIII. The Collector is to give monthly receipts, under the joint attestations of himself and of the Rajah, for all payments of revenue into the treasury, specifying the date or dates on which the money may be received, and the species of rupee in which each payment may be made. The keepers of the native records are to keep a register of these receipts regularly numbered. After having registered the receipts, they are to attest on the face of them the date on which they may be registered. A copy of this register is to be transmitted monthly to the Board of Revenue, or as often as that Board may require. A similar register of receipts is to be kept by all Tehseeldars, Sezawuls, or other native officers entrusted with the immediate collection of the public revenue, and a copy of it is to be transmitted to the Collector monthly, or as often as he may require.

Monthly receipts for salaries to be deposited amongst the public records and registered.

XXIV. The monthly or other receipts for salaries, pensions, or allowances, of whatever kind, which may be paid by the Collector, are to be deposited amongst the public records, and a register of them is to be kept by the keeper of the native records. A copy of the register is to be transmitted annually to the Board of Revenue.

Collector resigning, or removed, not to quit the station without a complete transfer of his trust, and the sanction of the Board of Revenue to his departure shall have been obtained.

XXV. To prevent loss of revenue or confusion in accounts from the resignation or removal of the Collector, no Collector is to be permitted to depart from his station until he shall have either delivered over complete charge of his trust to his successor or to his Assistant, and until notification shall have been made to the Board of Revenue of his having complied with this rule, and their sanction shall have been obtained for his departure. This rule shall on no account be dispensed with, unless by special permission from the Board of Revenue, which is to be granted only in particular cases that may appear to them to require it.

Collector to attend to references made by the President or acting President.

XXVI. The Collector is to pay due attention to all references or requisitions that may be made to him by the President or acting President of the Board of Revenue, for papers, or accounts, or information, on matters relating to his public duty.

Authority to be exercised by the Board of Revenue over the Collector.

XXVII. The Board of Revenue are to be careful that the Collector performs his assigned duties, for which purpose they are vested with the same powers over him as they possess over the Collectors in the other three provinces, by Regulation II. 1793; and they may accordingly summon him to the presidency to explain and justify his conduct, or suspend him from his office, or fine him in the manner, and under the reservation set forth and provided in Clauses First, Second, Third, and Fourth, Section XXXI. of that Regulation.

Collector may depute his Assistant on local inquiries.

XXVIII. The Collector may depute his Assistant to make occasional local inquiries into the causes of balances or deficiencies in the revenue; but he is forthwith to advise the Board of Revenue of such deputations, and to conform to the instructions with which they may furnish him.

Board of Revenue may require the personal attendance of landholders, &c.

XXIX. The Board of Revenue are vested with the same authority, in respect to requiring the attendance of natives concerned in the revenues, as they are empowered to exercise in Bengal, Behar, and Orissa, by Section XXXIII., Regulation II. 1793, under the rules and restrictions therein specified.

Board of Revenue empowered to issue orders to their subordinate officers for forming the settlement of lands held amauny.

XXX. The Board of Revenue are empowered to issue orders to their subordinate officers, for making the settlement of lands that are or may be held amauny, in conformity to the Regulations, and any special instructions which may be prescribed to them by the Governor General in Council.

Security for the payment of the revenue to be demanded from Zemindars as well as from farmers.

XXXI. In all cases of a settlement being made with, or on behalf of Talookdars, Zemindars, Putteedars, or other actual proprietors of land, their lands are to be declared in their engagements to be responsible for the payment of the revenue; besides which, a malzamin, or surety, for the punctual discharge of the revenue is to be invariably required.

Settlements to be made by the Collector.

Cases in which the Board may propose to depute one of their members to make a settlement.

XXXII. It is to be observed as a general principle, that the settlement of lands that are or may be amauny, is to be made by the Collector under the regulations and the instructions of the Board of Revenue: but if the Board should deem a special deputation of one of their members, or of any other person, necessary to form the settlement of any such lands, they are to propose the measure to the Governor General in Council, with their reasons for recommending it.

Upon a settlement being concluded, the usual pottah and cabooleat to be issued and received accordingly, under the Rajah's seal and the Collector's signature.

XXXIII. Upon a settlement being concluded with any proprietor or farmer, conformably to the Regulations, the Collector is to receive from him the usual cabooleat, and to sign and deliver the pottah in conformity thereto, after it shall have been attested by the seal and signature of the Rajah, in pursuance of the agreement to that effect concluded between the Rajah and the Resident, under date the 17th of October 1794.

Revenue to be levied by the Collector.

XXXIV. The collection of the revenues is committed to the Collector; but the Board of Revenue are to see that the revenues are realized by the stipulated periods, Board of Revenue to see that it is punctually collected, or that satisfactory reasons are assigned for the arrears.

periods, or that solid and satisfactory reasons are assigned by the Collector for any delay or deficiency. The power of coercion over the proprietors and farmers of land is also vested in the Collector, as prescribed in Regulation VI. 1795.

Cases of derearshobosty.

XXXV. In cases in which, since the conclusion of the settlement, the rivers may have carried away so much of the ground included in the engagements of any Zemindar or farmer, as to disable him from paying the stipulated revenue, the Collector, after minute inquiry, is to report the circumstances, and the amount of the deficiency thereby occasioned, to the Board of Revenue, through whom the orders of the Governor General in Council will be issued to the Collector, for affording such relief to the party or parties as may appear necessary.

Board of Revenue empowered to advance tuccavy under the restrictions herein specified.

XXXVI. The Board of Revenue are authorized to grant advances of tuccavy to proprietors or farmers of land, where it shall appear essentially necessary, in proportions not exceeding five per cent. on the revenue payable from the lands to Government, reporting all such instances to the Governor General in Council. Where a larger sum may be required, his sanction to the advance must be previously obtained. The interest to be taken on such advances is to be one per cent. per mensem.

A.D. 1795. REGULATION VI.

A REGULATION *prescribing the Process by which the Collector and the Tehseeldars are to realize the public Revenue payable from the Lands in the Province of Benares:* PASSED *by the Governor General in Council on the 27th March* 1795 *(corresponding with the* 16*th Chyte,* 1201 *Bengal era; the* 22*d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the* 22*d Chyte,* 1852 *Sumbut; and the* 5*th Ramzaan,* 1209 *Higeree).*

I. THE following rules are prescribed for the guidance of the Collector and the Tehseeldars, in realizing the public revenue payable from the lands.

Rules for stationing Shaenas on the crops.

II. The Tehseeldars are to place Shaenas, or watchmen, on the crops, at the expense of the parties to whom they may belong, and are not to allow them to be cut down or carried away, until the Zemindar or farmer, in the mushuckhusy lands (lands for the payment of the revenue assessed on which a settlement has been concluded), or the Ryots in the lands held amauny, shall have given security for the revenue payable therefrom on account of the year. If such security shall be given before the ripening of the first crops, the Tehseeldar is not to station watchmen over the crops, nor is any charge to be incurred on account of watchmen by the persons who may be responsible for the revenue due from the lands: but where such security is not tendered, watchmen are to be stationed, and an allowance, the amount of which is to be regulated by the local custom, is to be made to them, and included in the deh khurch, or village charges, of which the accounts are kept by the

Putwarries. To prevent all undue exactions under the head of shaenagee, or allowance to Shaenas or watchmen, the Tehseeldar is to furnish each watchman with a dustuck, or writ, prescribing the duty he is to perform. On this dustuck, the Serishtadars (heretofore the Canongoes) are to endorse the name of the watchman, the rate of allowance which according to established custom he is to receive, and from whom it is to be levied; and the Serishtadars, at the end of every month, are to transmit, under their official signature, a list of all such shaena dustucks as they shall have thus attested during the course thereof, together with the rates of shaenagee thereby allowed. The Collector is to revise these allowances, and may order them to be reduced, whenever they shall appear to him exorbitant.

When payment of the instalments is to be demanded.

III. The Tehseeldars are not to issue a dustuck, or written demand for the payment of any kist or instalment, until it be due. Accordingly, in those places where by ancient custom the revenues are payable by two instalments in each month, *viz.* at the amawus, or middle, and the poornmaushy, or end of the month, he is not to issue a dustuck for such kists before the expiration of the day of payment; and where the revenues are payable by monthly instalments, he is not to issue a dustuck for the instalment of any month before the elapse of it. But when any person shall have failed to pay in his kist before, or on the date on which it may become due, the Tehseeldar is to issue a dustuck, and to cause it to be served on the party in arrear, who, until he shall have discharged the amount, is to pay to the Peon employed in serving the dustuck, for the first three days, one anna per day, which rate shall afterwards be increased half an anna per day until the kist be paid, or until the dustuck be withdrawn, as hereafter provided for. But the defaulter shall not be subject to any further charge for the khorack, or subsistence of the Peon, or other account.

Rate of tullubana.

Tehseeldars prohibited employing muzcoory Peons.

Regulations regarding Peons entertained as monthly servants.

IV. Tehseeldars are strictly prohibited from employing muzcoory Peons to serve the above-mentioned or any other dustucks. This duty shall be performed solely by Peons entertained on monthly wages, and who shall have given security for their good conduct, and whose wages shall be paid by Government out of the tullubana or subsistence-money that may be levied from the persons on whom they may serve the dustucks. Every Tehseeldar is to report to the Collector the number and names of the Peons thus entertained by him, as well as such occasional dismissions, vacancies, and appointments, as may occur in this part of his establishment; and the Collector is to furnish the Tehseeldars with a correspondent number of chupprasses or badges, which such Peons are to wear, and without which they are not to perform any official act. On each of these badges shall be inscribed in the Persian language, and in the Hindostanee language and Nageree character, " Chuppprassy of the Teh- " seeldar of ...." (name of the mohaul or district under the charge of the Tehseeldar in whose service the Peon may be employed.)

Serishtadars to attest all dustucks or written demands for the revenue, and to report the same to the Collector;

and to transmit an attested list thereof to the Collector.

How the tullubana is to be appropriated.

V. Every dustuck issued by a Tehseeldar for enforcing payment of a kist shall be attested by the Serishtadars officiating in the tehseeldarry cutcherry, who, on the eighth of each succeeding month, are to transmit to the Collector an attested list of all such dustucks as may have been thus issued; and the Peons, on their return with their dustucks, shall account to the Serishtadars for the tullubana collected by them in conformity to their dustucks, and after retaining one moiety of the amount for their own subsistence, shall pay the other

other half to the Serishtadars, receiving from them regular receipts for the sums so paid. The Peons are immediately to deliver these receipts into the dufter or office of the Tehseeldar, who, on the twentieth of every succeeding month, is to forward an attested list of them to the Collector. The Collector is to cause the list to be examined and checked by the attested list of the dustucks issued, which he will have previously received from the Serishtadars, and to have entered monthly in the moolky treasury accounts the neat realized amount of the reserved moiety of such tullubana, and to allow the Serishtadars to apply the same towards the discharge of so much of their monthly wages as may be payable from that treasury.

Nature and extent of the responsibility of the Tehseeldars.

VI. In consideration of the liberal rate of commission continued to the Tehseeldars, they are to be considered as responsible to Government for the regular realizing of the annual amount of the jumma assessed on the mushukhusy lands within their respective tehseeldarries, the revenue of which is not paid huzoory, or immediately to the Collector, as well as for the annually ascertained revenue funds of those lands that may remain amauny (which funds are to be ascertained in the manner prescribed in Section XXVII., Regulation II. 1795); such responsibility, on their parts, being considered as rendering them liable to make good to Government, from their own property, whatever deficiencies in the collection of the said ascertained funds may be proved to have arisen, either from their wilful neglect or inattention, or from direct embezzlement, to which purport engagements are to be taken from them by the Collector. The Tehseeldars are also declared liable to be removed from their offices by the Collector, with the sanction of the Board of Revenue, and to be prosecuted on the ground of their said engagements, either during the course or at the end of the year.

Process to be observed by the Collector in realizing the successive instalments as they fall due.

VII. The kists or instalments for each month receivable from the Tehseeldars and the huzoory Malguzars, are to be paid between the first and the seventh of each succeeding month; and for all arrears not then paid, the Collector, at his discretion, on a consideration of the credit and responsibility of the parties, is either to issue his dustuck, or to send only a written notice by letter, or a verbal intimation, through the Vakeels of the parties (who are always to be in attendance at his cutcherry) to pay in their kists. But to those who shall not have paid the amount due from them by the fourteenth of the month, the Collector shall issue dustucks, under his seal and signature, and countersigned by the Dewan, on the fifteenth of the month, and the Peons serving such dustucks shall be directed to bring the party or parties to whom they are addressed, without delay, to the Collector's cutcherry, and also from the date of their dustuck to levy tullubana for the first three days, at the rate of two annas per day, to be augmented at the rate of one anna per day until the kist be discharged, or until the dustuck be withdrawn, as hereafter provided for. Such dustucks, and all other summonses of the Collector, are to be served by the badge Peons on his establishment of public officers hired at monthly wages, who shall be allowed to retain one anna per day for their subsistence out of the tullubana which they may levy. In cases, however, of unavoidable necessity, the Collector is permitted to employ muzcoory Peons, who are to be allowed out of the tullubana which they may collect two annas per day for their subsistence. And on particular occasions, when from the distance of situation or the necessity for despatch, the Collector shall deem it proper, instead of a Peon, to employ a horseman (Sowar) in the serving of any written demand for revenue, the tullubana to be collected by the horseman shall begin at the rate of four annas per day, and augment at the rate of two annas per day, until the demand specified in the dustuck be liquidated. The horseman shall be allowed to retain out of his tullubana four annas per day for his own maintenance and the subsistence of his horse; but no Sowars are to be employed by the Collector in the serving of dustucks, excepting those who form part of his public establishment and are entertained on monthly wages. All Peons, whether employed on monthly wages or those termed muzcoory, and also Sowars, are to give security, not to exact or receive, under any pretence, any sum or sums, or to accept of any subsistence for themselves or their horses, from any person or persons to whom they may be thus sent to demand payment of revenue, under the penalty of being made to refund double the amount, either by the Collector on such exaction or receipt coming to his knowledge, or in case of their being afterwards prosecuted on this account in the city court, or either of the zillah courts.

How the sudder tullubana levied by the Collector is to be appropriated.

VIII. The tullubana collected as above prescribed is to be accounted for, at the end of every month, by the Collector's Nazir and the Jematdar of the Sowars, to the treasurer of the moolky treasury, and the said Nazir and Jematdar are then to pay in the amount thereof, according to an attested statement under the Collector's official seal and signature. This statement is to remain as a voucher in the said treasury; from the gross receipts specified in which there is only to be deducted the subsistence-money allowed to the Peons or horsemen, as authorized in the preceding section.

On whom the Collector is to make his demand for the huzoory revenue.

IX. When any huzoory Malguzar (whose privileges, and the mode of acquiring them are explained in Regulation II. 1795) falls in arrears, the Collector may address his dustuck or written demand for the kist, either to the defaulter himself or to his Malzamin or security, or if necessary to both.

On whom the Tehseeldars are to make their demand for the revenue payable through them.

X. With respect to the lands the revenue assessed on which is not paid huzoory, or immediately to the Collector, the Tehseeldar, at the expiration of the fifth day from the date of his dustucks having been served without success on the party or parties in arrear, is to cause similar written demands, under the same attestations, and subject to the same progressive rate of tullubana, to be served on their sureties, if they shall have given sureties; and when the revenue in demand, together with the tullubana, shall be realized from the principal or surety, either at their places of abode, in consequence of the dustuck being served upon them, or at the Tehseeldar's cutcherry, to which the Peons are to escort them, by such time (consistently with the period fixed in the ensuing section for their being sent in to the Collector) as shall be specified by the Tehseeldar in the dustuck, such dustuck or dustucks, together with the Peons serving the same, shall thereon be immediately withdrawn.

When the Tehseeldars are to send in defaulters to the Collector.

XI. The Tehseeldars are not to confine in gaol, or put into stocks or irons, any persons, whether principals or sureties, who may be in arrears on account of the revenue; but in case of any such defaulter not paying up the demand on him by the tenth day after a dustuck shall have been served on a principal, or by the fifth day after the dustuck issued on his surety, such party or parties are invariably to be sent with a written report of the circumstances to the

Period during which the Collector may confine defaulters.

When they are to be committed to the gaol of the city and zillah courts.

Motion in writing to be made to the court on this occasion.

Judges to confine the defaulter.

Collector. In such instances, and also in similar cases of huzoory Malguzars or their sureties, on whom he may have sent a dustuck or written demand and summoned in the first instance, the Collector, after inquiring into the circumstances, shall within ten days after the arrival of such defaulter or defaulters at his cutcherry (during which period of ten days he may either confine their persons, or only keep over them the Peons with whom they arrived), either discharge him or them, on his or their paying the amount in demand, or satisfying the Collector that he or they will make good such payment before the expiration of the current Hindoo month; or otherwise the Collector is to cause the party or parties in question, after the expiration of the ten days, to be conveyed to the public gaol of the nearest court of Dewanny Adawlut, and the Collector is to apply to the court, by motion in writing to be made in open court (if the court shall be sitting) through the pleader of Government, for the confinement of the defaulter. If the court shall not be sitting, the motion is to be presented to the Judge out of court. The motion is to specify the amount of the arrear due from the defaulter, and the date on which it became payable. Upon receipt of the motion, the Judge is immediately to order the defaulter to be confined in the gaol of the Dewanny Adawlut, and detain him until he shall have discharged the arrear for which he may have been taken into custody, and all subsequent arrears that may become due during his confinement, or until the Collector shall apply to the court, by motion made as above directed, to have him released.

Cases in which defaulters are to be charged with interest on arrears.

XII. To prevent proprietors or farmers of land withholding the payment of the public revenue, to derive the benefit of the use of the money, or otherwise applying it to their private purposes, the Board of Revenue are empowered, in every case in which it shall appear to them that a Talookdar, Zemindar, or other actual proprietor or farmer of land, has wantonly, or without sufficient cause established to their satisfaction, withheld the payment of the public dues, to charge the defaulter with interest on the arrear, at the rate of twelve per cent. per annum, from the period at which it may become payable until the date on which it may be discharged. The order of the Board of Revenue to the Collector to levy the interest shall be a sufficient authority to him to enforce the payment of it, by the same process to which he is empowered to have recourse for compelling the discharge of arrears of the stipulated public revenue. But the Board of Revenue are not to order the Collector to exact the interest, until they have submitted the circumstances of the case to the Governor General in Council and received his sanction for the demand of it.

Cases in which the Collector is directed to suspend the exercise of the powers vested in him by Section XI.

XIII. If the crops in any estate or farm shall have been damaged or destroyed by drought, inundation, or other calamity of season, or from any cause not originating in the neglect, mismanagement, or misconduct of the proprietor or farmer, and such proprietor or farmer shall fall in arrears, so as to subject himself to be confined under Section XI., and the Collector shall be satisfied, from the best information which he may be able to obtain, that the defaulter is unable to make good the arrears by the end of the current month, as required in the said section, either from the collections on account of such year from his estate or farm, or from his private funds or property, or by a loan, he is directed to suspend the exercise of the powers vested in him in Section XI. for the confinement of the defaulter. But the Collector is immediately to report the circumstances of the case to the Board of Revenue, with his reasons for not proceeding against the defaulter, and to wait for, and be guided by, the instructions which he may receive from them.

Precautions to be taken for the security of the revenue, on the confinement of a proprietor or farmer of land.

XIV. In all cases of the default or confinement of parties from whom revenue may be due, the Collector is to issue directions to the Tehseeldar of the district in which the lands of the defaulter may be situated, to levy the public revenue by realizing, in concert with the Serishtadars, the defaulter's full share of the assessment on the crops to the end of the year, or until such time as he or his surety, in case he shall have given security, shall have paid up the balance, together with the charges of the Peons who may have taken him into custody.

From whom and in what proportions the revenue is to be collected, on Government's proceeding to realize the demands of defaulters from the Putteedars and Ryots.

XV. This sequestration of the profits of the party or parties in arrear is to extend also to the profits of all those of the brethren or Putteedars, whose names may be inserted in the pottah of Government, and who shall have executed the corresponding cabooleat; without, however, infringing the rights of the inferior Putteedars or sharers, or in talookas, of the dependent village Zemindars or under-renters, or in any case, or under any description of tenure, of the common Ryots, from whom the collections are to be made by the Tehseeldar according to their engagements with the defaulter or defaulters; or where no such engagements exist, according to the established rules and usages of the village or talooka; and in addition to the accounts to be kept by the Serishtadars, the defaulter may appoint a person to keep a counterpart of the accounts of the receipts and disbursements.

Tehseeldars and Collector liable to be prosecuted for any breach of the preceding rules.

XVI. All complaints for any breach of the rules contained in the preceding sections, either by direct infraction of them or by unnecessary severity in the execution of them, are declared cognizable in the city and zillah courts, to which any of the parties may apply at all times, either in person or by Vakeel. In such cases, the Judge is to cause the Collector or Tehseeldar (according as the act complained of may have been done by the former or the latter) to be immediately served with a copy of the complaint, fixing a date, according to the distance of place, for the party complained against to deliver in his answer. On the receipt of such copy and notice, the Collector or Tehseeldar, respectively, within the period limited in the notice, shall give in his answer to the court, stating therein the amount in demand from the party or parties on whom the dustuck shall have been issued; and if the said party or parties shall not thereon dispute the justice of the demand, the Judge shall stop all further proceedings in the cause. On the contrary, if the plaintiff or plaintiffs, in their replication or that of their Vakeel, delivered into court, shall not allow of the justice of the demand, and shall thereon tender to the court sufficient malzaminy or security, as well for the sum actually in demand as for such further amount as may become due from the growing kists during the trial, and condition to abide by such decree as the court may pass, including all costs and charges, in case the plaintiff or plaintiffs be cast, the Judge shall issue a written precept, addressed to the Tehseeldar or Collector (according as the former or the latter may be the defendant), to withdraw the dustuck and Peon from the plaintiff or plaintiffs in the cause. In conformity to the precept, the defendant shall withdraw

Persons on whom a demand for revenue may be made by any Tehseeldar or Collector at liberty to institute a suit to try the justice of it.

his process on the party or parties complaining, and give in his answer, when if no part of the claim shall be found to be due from the complainant, the Judge shall discharge him, and decree such costs and damages against the Tehseeldar or the Collector as he may deem equitable, upon a consideration of the circumstances of the case; and the damages so decreed shall be defrayed either by Government or the party prosecuted, according to the rules for such cases hereafter laid down in this Regulation. If only a part of the demand shall appear due, the court is to discharge the prisoner upon his paying such part. In both cases, however, the court, previous to releasing the prisoner, shall take good security from him to perform the final decision in appeal, in the event of the cause being appealed by the Tehseeldar or Collector, in consequence of orders from the Board of Revenue or without their orders. If the Tehseeldar or Collector shall state to the court that an appeal will not be preferred from the decision, or if an appeal shall not be lodged within the time limited for preferring appeals to the provincial court of appeal, the Judge shall release the person so confined without taking such security.

How lands of proprietors in arrear at the end of the year are to be disposed of.

In the case of the arrears arising from the proprietor's misconduct.

His rights may be transferred to his Putteedars or partners, on their paying up the balance,

XVII. *First.* At the expiration of the year, if an arrear shall remain due from any Talookdar or Zemindar, or other actual proprietor of land, the Collector is to communicate the amount to the Board of Revenue, accompanied by a detailed account of the causes of the failure; when, as far as regards the lands of proprietors, if the deficiency shall clearly appear to have proceeded from his or their embezzlement or misappropriation of the funds arising from the produce, and that there be no immediate prospect of the party or parties, or his or their sureties, making good the amount, the Board of Revenue, provided from the communications of the Collector it shall appear to them expedient so to do, and the Governor General in Council shall approve of the measure, may authorize the Collector to transfer the rights of the defaulting landholder to such one or more of his Putteedars, or sharers, as shall be able and willing, in consideration of such transfer, to pay up the balance due to Government. In such case, the defaulter is not to be entirely excluded, but is to retain, as an inferior Putteedar, such a portion of neej-jote ground as, with the approbation of the Collector, the Putteedars who may succeed him shall be willing to allow him to hold, at the established rate of rent payable by the most inferior of the family Putteedars of the same village or talooka; provided, however, that no Putteedar in arrear on account of rent to the defaulter shall be allowed to take advantage of this option, which the Collector is successively to tender in preference, to the others, in proportion to the greater or less interest they may severally possess in the estate, until one or more of them accept or they all decline it.

or his profits may be sequestered by Government.

Case of a proprietor falling in balance through misfortune.

Second. Where such transfer of a defaulter's rights to one or more of his Putteedars or sharers shall not prove effectual in realizing the balance, or in cases where the deficiency cannot be proved to have arisen from embezzlement on the part of the landholder, but where the cause may not be of such a nature as to induce the Governor General in Council to remit the amount, the Board of Revenue, with the sanction of the Governor General in Council, may direct the Collector either to continue the defaulter in possession, on his engaging, in such manner as shall be deemed satisfactory, to pay up his balance with the future revenue, or sequester to the use of Government the ensuing years' profits of the defaulter, in the manner and under the restrictions specified in Section XV. The last-mentioned measure shall be adopted where there is a reasonable prospect of at least realizing thereby the assessment payable to Government in the ensuing years; and, in such instances, it shall be the duty of the Collector, in like manner as in all cases in which lands are held amauny, to acquire the fullest information, and to propose to the Board of Revenue such improvements of the jydaad, or funds, as may appear practicable, by making advances for tuccavy, gilandazee, the cutting down of jungles, or by the construction of embankments or water-courses, so as not only to prevent any diminution of the produce of the lands but to improve and increase it.

Duty of the Collector in respect to the improvement of amauny lands.

Third. The profits arising from the surplus collections, over and above the former fixed jumma adjusted by the permanent settlement, after defraying the charges of improvement, whilst Government think fit to leave the lands amauny, shall be appropriated entirely to the use of the public, in the cases of all defaulting proprietors who may be dispossessed under the preceding clause, for embezzlement or misappropriation of the funds for the payment of the public revenue; and such Zemindars shall not be reinstated, until from their own means they shall have paid up, or given satisfactory security for discharging the balance incurred, as well as to repay to Government the principal of the amount it shall have advanced for improving the estate. But in the other case stated in Clause Second, in which embezzlement shall not have been clearly proved against the defaulting landholders, the profits or surplus collections shall be set off against the arrears due from them, and they shall be entitled to reinstatement, as soon as the arrears shall thus, or otherwise from their own funds, have been discharged, or when they shall deliver in satisfactory security for the amount, inclusive of the whole or the part of the charges of improvement incurred during their dispossession, for which Government, on a review of the circumstances of the case, shall think fit to render them responsible.

How the profits arising from the land of dispossessed landholders are to be appropriated,

in the instances in which such landholders have been dispossessed for misconduct,

and in those where such misconduct is not ascertained.

Fourth. The rules in the preceding clauses of this section are to be understood with this reservation, that in all cases where Talookdars, Zemindars, or other land-owners, shall be dispossessed for arrears of revenue, Government shall have the option of letting their lands on lease, either for a term or in perpetuity, to any person or persons, in case of the dispossessed proprietors omitting or refusing to resume the management of their lands under the conditions that may be offered to them.

Right reserved to Government to let the lands of the dispossessed proprietors to whomsoever they shall think proper,

Fifth. In extraordinary instances of embezzlement or misappropriation of the funds from which the revenue may be payable by any landholder, or in any other cases in which it may be deemed advisable, the Board of Revenue (in addition to such recourse as is authorized to be had on the surety) may recommend to the Governor General in Council the enforcing of that part of the engagements of the landholders, which renders their property, real and personal, liable to sale for arrears of revenue.

and to dispose of the lands at public sale for the recovery of arrears.

XVIII. *First.* Where arrears shall be due by farmers near the close of the year, the recovery of which, either through themselves or their sureties, shall not have been effected by its expiration, the Collector, with the sanction of the

How lands rented by farmers in arrear at the end of the year are to be disposed of.

Lands to be, in such instances, restored to the ancient Zemindars,

Board of Revenue, is to have recourse, in the first instance, to the ancient Zemindars of the village or talooka in question; who, on paying up the farmer's balance, either immediately, or on finding security to pay it by instalments in the course of the ensuing year, shall be reinstated in their zemindarry.

or the farmer's lease to be continued, or the lands to be let again to such person, and for such a term, as Government may approve,

Second. Where there are no ancient Zemindars, or where they decline to take on themselves the balance of the farmer, the latter may be continued, on his stipulating, in such manner as shall be deemed satisfactory, to pay off his balance with the future revenue; or otherwise the farm is to be relet in perpetuity, or for such term as Government may direct, to such other person or persons as, in consideration of such lease, shall immediately pay up, or find satisfactory security for the removed farmer's balance, or the part of it the payment of which shall be required.

or to be held amauny under the Collector.

Third. Where neither the ancient Zemindars shall be reinstated, nor the farmer in arrear be continued, nor any new farmer undertake to discharge the balance incurred, or such part thereof as Government may require, the lands are to continue amauny, under the same kind of management and regard to their improvement, as is directed in Clause Second of the preceding section to be observed, in respect to lands from which Zemindars shall have been dispossessed.

Property of farmers may be disposed of for the recovery of arrears.

Fourth. The Board of Revenue, in all cases in which they may judge it advisable (in addition to such recourse as is authorized to be had on the surety), may recommend to the Governor General in Council the sale of the property of farmers in arrears, in conformity to the tenour of their engagements.

Lands of proprietors, or the property of farmers, not to be sold for demands of revenue which may be under trial in the courts of justice, until the cause is finally decided.

Lands not to be sold for arrears without the sanction of the Governor General in Council.

XIX. In cases in which arrears of revenue shall be stated to be outstanding against any actual proprietor or farmer of land, who shall have given the security required and instituted a suit under Section XVI., to try the justness of the arrear demanded of him, his lands or other property shall not be liable to sale for the arrears so claimed, until a final decision shall be passed in the cause; nor are lands or other property, in any case whatever, to be sold for the discharge of arrears of revenue, without the sanction of the Governor General in Council.

Tehseeldar how to proceed when a proprietor or farmer of land refuses to pay his arrears, or resists the process issued by him under Sections III. and X.

Tehseeldar to advise the Collector.

Collector to summon the party.

XX. If a Tehseeldar shall issue the process prescribed in Sections III. or X., against any Zemindar or other actual proprietor of land, or any farmer or surety, for payment of the amount of the instalment in demand, or of any other sum or arrears of revenue due, and the party to whom such process may be addressed shall refuse to obey, or resist, or cause to be resisted, the Peon deputed to serve such process, or abscond from the Peon after he shall have served such process, or retire to any place so that the process cannot be served on him, the Tehseeldar who may issue the writing is immediately to represent the case to the Collector, and to transmit a sooruthaul, or circumstantial report of it, under the seal of the Cauzy and the attestations of the Serishtadars; whereupon, if the party thus accused shall not intermediately have made his appearance at the Collector's cutcherry, the Collector shall issue a summons to him requiring him to repair to his cutcherry for the explanation of his conduct and for the payment of his kist, along with the two Peons or the single Sowar, either of whom the Collector, at his discretion, may depute to serve this summons. Upon the arrival of the party at the cutcherry of the Collector, the latter is to inquire into the circumstances of the case, and as may appear to him proper on a consideration of them, either order the offender to be committed to temporary confinement for any term not exceeding ten days, or to exact sufficient hazir or fael zaminy from him. If the non-attendance of the party, in the first instance, shall be found to have arisen from any misconduct in the Tehseeldar's Peon who served the process, he is to be dismissed, and declared incapable of being again employed in any revenue capacity whatsoever, and accordingly no Tehseeldar shall afterwards employ him; and the Tehseeldar shall also be removed, in case the resistance of the party served with the process shall appear to the Collector to have arisen from the injustice of the demand of revenue made on him. Of all orders for the confinement or dismission of Peons or Tehseeldars under this Regulation, the Collector is to make a separate monthly report to the Board of Revenue, who are thereon to issue such further instructions for his guidance as they may think proper.

Extent of the Collector's authority in the cognizance and punishment of such offences.

XXI. In all cases in which the Collector shall order any Zemindar or farmer to be confined, under the authority vested in him by Section XX., he shall cause a notice thereof, and of the date from which such imprisonment is to commence, to be made through the Vakeel of Government to the Judge of the Dewanny Adawlut within whose jurisdiction the lands of such Zemindar or farmer shall be situated; and such notices are to be filed of record in the courts, to guard against any undue protraction of the term of such commitments.

Collector to cause to be filed of record in the courts of justice, the confinement of Zemindars or farmers under Section XX.

XXII. If the party (being a Talookdar, Zemindar, or other actual proprietor of land) against whom the Collector shall have issued process at the instance of the Tehseeldar, as prescribed in Section XX., shall refuse to obey, or resist, or avoid compliance with the requisition of the process; or if, in the first instance, the Collector shall have issued the process prescribed in Section IX. against any huzoory Zemindar, or other actual proprietor of land, on account of arrears of public revenue, and the defaulter shall refuse to obey, or resist, or cause to be resisted, the Peons deputed by the Collector to convey him to gaol, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that the process cannot be served upon him, the Collector is immediately to represent the circumstances, through the Vakeel of Government, to the Dewanny Adawlut within the jurisdiction of which the lands on account whereof the arrears shall be due may be situated; and upon the Peon or Peons deputed to execute the process, or any two or more credible persons, making oath to the truth of the circumstances stated in the representation of the Collector, the Judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, shall require the defaulter, by a publication in writing, to deliver himself into the custody of the court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian language, and the Hindostanee language and Nageree character, and shall be fixed up as early after the date of it as may be practicable, at his usual place of abode, or the principal cutcherry in the estate on account of which the arrears may be due, and the office of the Collector and the court-room of the Dewanny Adawlut

Collector how to proceed when a proprietor of land refuses to obey, or resists the process issued by him under Section XX., or escapes from the Peons, or prevents the process being served upon him.

Judge, upon the charge appearing to him well-founded,

to issue a publication, requiring the defaulter to deliver himself up to the court in four weeks.

In what language the publication is to be written, and where, and when, it is to be fixed up.

of the zillah; and in the mean time the Collector is to cause the rents and revenues of the estate of the defaulter to be realized on behalf of Government, in the manner specified in Sections XIV. and XV.

Decree to be passed by the court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time, and the charge being proved against him.

Court to transmit the decree and proceedings to the Governor General in Council, if the defaulter should not appeal within the prescribed time.

If the defaulter should appeal, and the decision of the city or the zillah court be confirmed, the provincial court to transmit a copy of the decree and proceedings to the Governor General in Council, in the event of the defaulter not appealing to the Sudder Dewanny Adawlut, or the cause not being appealable.

Sudder Dewanny Adawlut how to proceed in case the suit should be appealed to them, and they should confirm the decision of the provincial court.

Collector how to proceed if the city or zillah court should adjudge the charge not proved.

Rule for cases in which the provincial court of appeal may reverse such decisions of the city or zillah courts.

Collector how to proceed if the charge should be judged proved in the city or zillah court, and the provincial court of appeal shall reverse the decision.

XXIII. If the defaulter shall not surrender himself before the expiration of the period limited in the publication directed to be made in Section XXII., or, if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, and that which the Collector may adduce in support of his representation, it shall be proved, to the satisfaction of the court, that the defaulter is guilty of the charge, the court is to decree the proprietary right of the defaulter and his heirs in the estate on account of which the arrears may be due, forfeited to Government. If the defaulter shall not appeal from the decree to the provincial court of appeal within the time limited for preferring appeals to that court in Section XII., Regulation V. 1793, the court is immediately to transmit to the Governor General in Council a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the provincial court of appeal within the prescribed time, and the court shall confirm the decision of the city or zillah court, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that court in Section X., Regulation VI. 1793, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the proceedings and decree of the city or zillah court, to the Governor General in Council. If an appeal shall be received from the decision of the provincial court of appeal, and the Sudder Dewanny Adawlut should confirm the decree of the provincial court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council. If the Judge of the city or zillah court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process prescribed in Sections IX. and XX., or either of them, had been duly served upon him and he had obeyed it, and the Collector is immediately to obtain from the court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the Collector to appeal from it or not, as may appear to them proper. If the Board shall order an appeal to be preferred and it shall be lodged within the limited time, and the provincial court should reverse the decision of the city or zillah court and adjudge the proprietary right in the estate forfeited, and the cause shall not be appealable to the Sudder Dewanny Adawlut; or if it shall be appealable, and an appeal should not be preferred within the limited time, the provincial court is immediately to forward a copy of their proceedings and decree in the appeal, and of the decree and proceedings of the city or zillah court, to the Governor General in Council. If the Judge of the city or zillah court shall decree the charge proved, and the decision shall be reversed in the provincial court, the Collector is immediately to transmit a copy of the decrees and proceedings of the city or zillah court and provincial court of appeal, with a letter stating his objections to the decree of the latter court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable) or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and the court should reverse the decision of the provincial court and declare the proprietary right in the estate forfeited, the court is immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council.

Rule for determining from what decrees of the provincial court of appeal passed under this section an appeal is to lie to the Sudder Dewanny Adawlut.

That no doubt may be entertained from what decrees passed by the provincial court of appeal, under this section, an appeal is to be allowed to the Sudder Dewanny Adawlut, it is declared, that an appeal shall not lie to the last-mentioned court, unless the annual produce of the estate of the defaulter on account of which the arrears may have been demanded, calculated according to the amount paid or payable by the Putteedars, distinct or common, under-farmers and Ryots, to the defaulter, on account of the year in which the decision of the city or zillah court may be passed, shall exceed one thousand sicca rupees; and the Collector is enjoined to insert generally in the representation which he is directed to make to the Dewanny Adawlut of the city or zillah in Section XXII., whether the produce of the estate on account of the year above-mentioned, according to the best information he may have been able to obtain, exceeds or falls short of one thousand sicca rupees, but without specifying the actual amount of the produce. If the defaulter shall not deliver himself up within the prescribed time, or if he shall surrender himself by the limited period and the Collector shall have stated the produce of the estate to be under one thousand sicca rupees, and the defaulter shall not deny the truth of the Collector's statement in his answer to the charge, and the cause should be afterwards brought before the provincial court of appeal, an appeal shall not lie from the decision of that court to the Sudder Dewanny Adawlut. If the Collector shall represent that the produce of the estate for the year before-mentioned exceeds or falls short of one thousand sicca rupees, and the defaulter should appear within the limited time, and in his answer to the charge object to the statement, the Judge is to try the objections, and pass such decision upon them as may appear to him equitable. If the cause should be afterwards brought before the provincial court of appeal, and no objection be offered by either party to the decision of the city or zillah court on the Collector's statement of the produce of the estate, it is to be held accurate. If objections should be offered, the provincial court is to try the objections, and pass such decision upon them as may appear to it equitable. If an appeal from the decree of the provincial court should be presented to the Sudder Dewanny Adawlut, and the admission or rejection of the appeal should depend upon the produce of the estate for the year before-mentioned exceeding or falling short of one thousand sicca rupees, the court of Sudder Dewanny Adawlut is to examine the decisions passed by the Dewanny Adawlut of the city or zillah, and the provincial court of appeal, respecting the produce of the estate, and either adjudge the cause to be appealable or not, as may appear to them equitable.

Decrees passed under this section not to be carried into execution without the sanction of the Governor General in Council.

Decrees that may be passed under this section by the Dewanny Adawlut of any city or zillah, or the provincial court of appeal, or the Sudder Dewanny Adawlut, adjudging the proprietary right in the estate of a defaulter to be forfeited to Government, shall not be carried into execution, in any case whatever, without an order from the Governor General in Council confirming the decree, and directing in what manner the proprietary right in the estate shall be disposed of. It shall be at the option of the Governor General in Council, within four weeks after the receipt of a decree adjudging the proprietary right of any defaulter in any estate forfeited, either to order the decree to be executed, or to commute the forfeiture for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed. In the event of the Governor General in Council commuting the forfeiture for a fine, the court which shall have transmitted the decree and proceedings to the Governor General in Council, upon receiving notice of the fine that he may impose, are to levy the amount of it by the same process by which they are directed to enforce decrees of the court and to pay the amount to the Collector. But if the Governor General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed or commute the forfeiture for a fine, the decree is to stand good against the defaulter. The process which a Collector may institute against a defaulter in the court of Dewanny Adawlut of the city or zillah under this section, as well as the prosecution or defence of any appeal from the decision of such court which may be preferred to the provincial court of appeal, or from the decree of the provincial court to the Sudder Dewanny Adawlut, in which the Collector may be appellant or respondent, is to be carried on at the public expense, and to be conducted by the Vakeel of Government, whom the Collector is to furnish with the necessary instructions.

If the estate is decreed forfeited, the Governor General in Council may confirm the decree, or commute the forfeiture for a fine, within four weeks after he may receive the decree.

If the forfeiture is commuted for a fine, by what court and how it is to be levied.

Decree of forfeiture to be final, if not ordered to be executed, or commuted for a fine within the time above-mentioned.

Process and appeals instituted under this section to be conducted by the Vakeel of Government on the part of the Collector, and to be carried on at the public expense.

Proceeds of the estate of the defaulter, whilst attached, to be accounted for to him if the forfeiture should be commuted for a fine.

Portion of the defaulter's estate to be sold, if the proceeds should not be adequate to answer all demands against him and he should not discharge them.

XXIV. If the defaulter mentioned in Section XXII. shall be allowed to retain the proprietary right in his estate, Government is to account to him for the amount received from it during the sequestration; and if it shall exceed the public revenue that was due from the estate, the expenses attending the sequestration, and the fine which may be imposed on the defaulter, the overplus is to be returned to him. If the sum received through the officers of Government appointed to make the collections during the sequestration shall be inadequate to the payment of the several demands above-mentioned, and the defaulter shall not make good the deficiency, a portion of his lands is to be sold for the discharge of it.

If the forfeiture should be confirmed, the Governor General in Council to confer the estate on the heirs of the defaulter, or dispose of it at public sale.

XXV. If the decree adjudging the proprietary right in the estate of the defaulter forfeited shall be confirmed under Section XXIII., it shall be at the option of the Governor General in Council either to confer such right upon the heirs of the defaulter, on their agreeing to make good all sums whatever that may be due to Government from the defaulter on account of the estate, and to pay the fixed revenue assessed upon it, or to dispose of it at public sale, subject to the payment of such revenue. If the estate shall be conferred upon the heirs of the defaulter, he is to be immediately released if he should be in confinement. If the estate shall be disposed of at public sale, the proceeds of the sale are to be appropriated towards the discharge of the demands of Government, either on account of the public revenue, the expense attending the deputation of the Aumeen or other native officer appointed to make the collections, or other charges incurred in consequence of the default of the former proprietor. If no such demand shall be outstanding at the time of the sale, or if any such demand should be due and the proceeds shall exceed the amount of it, the whole of the proceeds in the first-mentioned case, and the overplus in the second, is to be carried to the public account, or applied in any other manner that the Governor General in Council may direct.

Collector how to proceed, if a farmer refuses to obey or resists the process issued by him under Section XX., or escapes from the Peons, or prevents the process being served upon him.

Judge, upon the charge appearing to him well founded,

to issue a publication requiring the defaulter to deliver himself up to the court in four weeks.

In what languages the publication is to be written, and where, and when, it is to be fixed up.

Decree to be passed by the city or zillah court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time and the charge being proved against him.

Court to transmit the decree and proceedings to the Governor General in Council, if the defaulter should not appeal within the prescribed time.

If the defaulter should appeal, and the decision of the city or zillah court be confirmed, the provincial court to transmit a copy of the decree and proceedings to the Governor General in Council, in the event of the defaulter's not appealing in time to the Sudder Dewanny Adawlut, or the cause not being appealable.

Sudder Dewanny Adawlut how to pro-

XXVI. If the party (being a farmer) against whom the Collector shall have issued his process at the instance of the Tehseeldar, as prescribed in Section XX., shall refuse to obey, or resist, or avoid compliance with the requisition of the process; or if, in the first instance, the Collector shall have issued the process prescribed in Section IX., against any huzoory farmer, on account of arrears of the public revenue, and the defaulter shall refuse to obey, or resist, or cause to be resisted, the Peons deputed by the Collector to convey him to gaol, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place so that the process cannot be served upon him, the Collector is immediately to represent the circumstances, through the Vakeel of Government, to the Dewanny Adawlut of the city or zillah wherein the lands on account of which the arrears shall be due may be situated; and upon the Peon or Peons deputed to execute the process, or any two or more credible persons making oath to the truth of the circumstances stated in the representation of the Collector, the Judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, is to require the defaulter, by a publication in writing, to deliver himself into the custody of the court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian language, and the Hindostanee language and Nageree character, and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, or the principal cutcherry in the farm, and in the office of the Collector and the court-room of the Dewanny Adawlut; and in the mean time the Collector is to cause the rents and revenues of the farm of the defaulter to be realized on behalf of Government, as prescribed in Sections XIV. and XV. If the defaulter shall not surrender himself before the expiration of the period limited in the publication, or if he shall deliver himself up within the prescribed time, and after receiving his answers to the charge and the evidence that he may have to produce in his defence, and that which the Collector may adduce in support of his representation, if it shall be proved, to the satisfaction of the court, that the defaulter is guilty of the charge, the court shall decree the lease of the farmer annulled from the expiration of the Fussily year in which the decree may be passed. If the defaulter shall not appeal to the provincial court of appeal within the time limited for preferring appeals to that court in Section XII., Regulation V. 1793, the court is immediately to transmit to the Governor General in Council a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the provincial court of appeal within the prescribed time, and that court shall confirm the decision of the city or zillah court, or if the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that court, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the city or zillah court, to the Governor General in Council. If an appeal shall be received from the decision of the provincial court ceed, in case the suit should be appealed to them, and they should confirm the decision of the provincial court.

court of appeal, and the Sudder Dewanny Adawlut shall confirm the decree of the provincial court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council.

Collector how to proceed if the city or zillah court should judge the charge not proved.

If the Judge of the city or zillah court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process in Sections IX. and XX., or either of them, had been duly served upon him and he had obeyed it, and the Collector is immediately to obtain from the court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the Collector to appeal from it or not, as may appear to them proper.

Rules for cases in which the provincial court of appeal may reverse such decisions of the city or zillah courts.

If the Board shall order an appeal to be preferred, and it shall be lodged within the limited time, and the provincial court should reverse the decision of the city or zillah court and adjudge the lease annulled, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable and an appeal shall not be preferred within the limited time, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the city or zillah court, to the Governor General in Council.

Rules for cases in which the charge may be judged proved in the city or zillah court, and the provincial court of appeal shall reverse the decision.

If the Judge of the city or zillah court shall decree the charge proved, and the decision shall be reversed in the provincial court, the Collector is immediately to transmit a copy of the decrees and proceedings of the city or zillah court and the provincial court of appeal, with a letter stating his objections to the decree of the latter court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable) or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and that court should reverse the decision of the provincial court and adjudge the lease annulled, the court is immediately to transmit a copy of the decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council.

Rule for determining from what decrees of the provincial courts of appeal passed under this section, an appeal is to lie to the Sudder Dewanny Adawlut.

That no doubt may be entertained from what decrees passed by the provincial court of appeal under this section an appeal shall be admitted to the Sudder Dewanny Adawlut, it is declared that an appeal shall not lie to the last-mentioned court, unless the jumma paid or payable to Government by the defaulter, on account of the year in which the decree of the city or zillah court may be passed, shall exceed one thousand sicca rupees; and the Collector is enjoined to state generally in the representation which he is above directed to make to the city or zillah court, whether the jumma paid or payable by the defaulter in such year exceeds or is less than one thousand rupees, but without specifying the exact amount of it; and the rules prescribed in Section XXIII., regarding objections that may be offered to the statement of the produce of the estates of contumacious proprietors, which the Collector is therein directed to present to the city or zillah court, are to be held applicable to the statement of the jumma payable by defaulting farmers required to be submitted by the Collector in this section.

Decrees passed under this section not to be carried into execution without the sanction of the Governor General in Council.

Decrees that may be passed under this section by the Dewanny Adawlut of the city or any zillah, or the provincial court of appeal, or the Sudder Dewanny Adawlut, adjudging the lease of a farmer annulled, shall not be carried into execution, in any case whatever, without an order from the Governor General in Council confirming the decree.

If the lease shall be adjudged annulled, the

It shall be at the option of the Governor

General in Council, within four weeks after the decree may be received by him, either to order the decree to be executed, or to commute the forfeiture of the lease for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed; or if the defaulter shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements until the term of them shall expire. If a fine shall be imposed on the defaulter, the court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving notice of the fine, is to levy the amount of it by the same process by which they are directed to enforce decrees of the court, and to pay the amount to the Collector. But if the Governor General in Council, within four weeks after the decree shall have been received by him, shall not either order it to be executed or commute the annulling of the lease for a fine, the decree shall stand good against the defaulter. The process which the Collector may institute in the Dewanny Adawlut of the city or any zillah under this section, as well as any appeal that may be preferred from the decision of the city or zillah court to the provincial court of appeal, and from the decision of that court to the Sudder Dewanny Adawlut, in which the Collector may be appellant or respondent, are to be defended and carried on at the public expense and by the Vakeel of Government, whom the Collector is to furnish with the necessary instructions.

Governor General in Council may confirm the decree, or commute the annulling of the lease for a fine, within four weeks after he may receive the decree.

If the decree shall be commuted for a fine, how it is to be levied.

Process and appeals under this section to be conducted by the Vakeel of Government on the part of the Collector, and at the public expense.

XXVII. If the lease of the defaulter mentioned in Section XXVI. shall be annulled, he shall receive credit for the collections made by the officers of Government, after deducting the charges incurred which may be admitted, and if any balance shall then remain due from him to Government at the close of the year in which the lease may be cancelled, both he and his surety are to be held responsible for the payment of it, and the Collector is to serve the surety with the written demand for the amount, requiring it to be paid at the treasury of the collectorship within a certain number of days after the day on which the writing may be served by the Peon to be deputed for that purpose; and in the event of its not being discharged by the time limited in the writing, the Collector is to proceed against the surety, and the defaulter also if he shall be forthcoming and should not have been previously confined, in the manner in which he is directed to proceed in Section XI. against defaulters in arrear on account of revenue. If there shall be a surplus after discharging all the demands above-mentioned, it is to be paid to the defaulter, who shall be at liberty to prosecute in the city or zillah court, the Talookdars, Zemindars, Putteedars, distinct and common, and the under-farmers and Ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Accounts with the defaulter how to be settled if the lease should be annulled.

Balance, if any due, to be levied from him and his surety.

Surplus, if any, to be paid to the defaulter.

Defaulter to be at liberty to prosecute any proprietors, farmers, or Ryots, for arrears in the Dewanny Adawlut of the zillah or city.

XXVIII. If the party (being a surety) against whom the Collector shall have issued his process at the instance of the Tehseeldar, as prescribed in Section XX., shall refuse to obey, or resist or avoid compliance with the requisition of the process, or if, in the first instance, the Collector shall have issued the process prescribed in Section IX. against the surety of any proprietor or

Collector how to proceed, when sureties of proprietors or farmers of land refuse to obey, or resist the process issued by him under Section XX., or escape from the Peons, or prevent the process being served upon them.

or farmer of land, and such defaulting surety shall refuse to obey, or resist, or cause to be resisted, the Peons thus deputed by the Collector, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place so that the process cannot be served upon him, the Collector is thereon immediately to represent the circumstances, through the Vakeel of Government, to the Dewanny Adawlut of the city or zillah in the jurisdiction of which the lands on account whereof the arrears shall be due may be situated; and upon the Peon or Peons deputed to execute the process, or any two or more credible persons, making oath to the truth of the circumstances stated in the representation of the Collector, the Judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well-founded, is to require the defaulter, by a publication in writing, to deliver himself into the custody of the court within four weeks calculating from the day following the date of the publication.

Judge, upon the charge appearing to him well founded, to issue a publication, requiring the defaulter to deliver himself up to the court within four weeks.

In what languages the publication is to be written, and when and where it is to be fixed up.

The publication is to be written in the Persian language, and the Hindostanee language and Nageree character, and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, and in the principal cutcherry in the estate or farm, the office of the Collector, and the court-room of the Dewanny Adawlut.

Decree to be passed by the city or zillah court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time, and the charge being proved against him.

If the defaulter shall not surrender himself before the expiration of the period limited in the publication, or if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and the evidence that he may have to produce in his defence and that which the Collector may adduce in support of his representation, if it shall be proved, to the satisfaction of the court, that the defaulter is guilty of the charge, the court shall adjudge him to pay a fine, according to the nature of the offence and his situation and circumstances in life.

Court to transmit the decree and proceedings to the Governor General in Council, if the defaulter should not appeal within the prescribed time.

If the defaulter shall not appeal to the provincial court of appeal within the time limited for preferring appeals to that court in Section XII., Regulation V. 1793, the court is immediately to transmit to the Governor General in Council a copy of the decree, and of all the proceedings respecting the charge.

If the defaulter should appeal, and the decision of the city or zillah court be confirmed, the provincial court to transmit a copy of the decree and proceedings to the Governor General in Council, in the event of the defaulter not appealing to the Sudder Dewanny Adawlut or the cause not being appealable.

If the defaulter shall appeal to the provincial court of appeal within the prescribed time, and that court should confirm the decision of the city or zillah court, or if the case shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that court in Section X., Regulation VI. 1793, the provincial court of appeal is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the city or zillah court, to the Governor General in Council.

Sudder Dewanny Adawlut how to proceed, in case the suit should be appealed to them and they should confirm the decision of the provincial court.

If an appeal shall be received from the decision of the provincial court of appeal, and the Sudder Dewanny Adawlut shall confirm the decree of the provincial court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council.

Collector how to proceed, if the city or zillah court should judge the charge not proved.

If the Judge of the city or zillah court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process prescribed in Sections IX. and XX., or either of them, had been duly served upon him and he had obeyed it; and the Collector is immediately to obtain from the court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the Collector to appeal from it or not, as may appear to them proper. If that Board should order an appeal to be preferred, and it shall be lodged within the limited time, and the provincial court of appeal should reverse the decision of the city or zillah court and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it should be appealable and an appeal shall not be preferred within the limited time, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the city or zillah court, to the Governor General in Council. If the Judge of the city or zillah court shall decree the charge proved, and the decision shall be reversed in the provincial court, the Collector is immediately to transmit a copy of the decrees and proceedings of the city or zillah court and the provincial court of appeal, with a letter stating his objections to the decree of the latter court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable) or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and that court should reverse the decision of the provincial court and confirm that of the city or zillah court, the Sudder Dewanny Adawlut is immediately to transmit a copy of its decree and proceedings, and of the decrees and proceedings received from the provincial court, to the Governor General in Council. And that no doubt may be entertained from what decrees passed by the provincial court of appeal under this section an appeal shall lie to the Sudder Dewanny Adawlut, it is declared, that an appeal shall not lie to the last-mentioned court, unless the fine adjudged to be paid by the defaulter shall exceed one thousand sicca rupees. Decrees that may be passed under this section by the Dewanny Adawlut of the city, or any zillah, or the provincial court of appeal, or by the Sudder Dewanny Adawlut, adjudging a fine to be paid by a surety, are not to be carried into execution, in any case whatever, without an order from the Governor General in Council confirming the decree. It shall be at the option of the Governor General in Council, within four weeks after the decree may be received by him, either to order the decree to be executed or to alleviate the fine. The court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving notice of the fine that may be imposed upon the defaulter, is to levy the amount of it by the same process by which it is directed to enforce decrees of the Court and to pay the amount to the Collector. But if the Governor General in Council, within four weeks after the decree shall have been received by him, shall not either order it to be executed or alleviate the fine, the decree shall stand good against the defaulter, and the court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving directions for that purpose, is to levy the amount of the fine in the manner above prescribed. The process which the Collector may institute in the Dewanny Adawlut of the city or zillah under this section, as well as the appeals that may be preferred from the city or zillah court to the provincial court of appeal, and from the decision of that court to the Sudder Dewanny Adawlut, in which the Collector may be appellant or respondent, are to be defended or carried on by the Vakeel of Government and at the public expense.

Rules for cases in which the provincial court of appeal may reverse such decision of the city or zillah court.

Rules for cases in which the charge may be adjudged proved in the city or zillah court, and the provincial court of appeal shall reverse the decision.

Sudder Dewanny Adawlut how to proceed, in the event of its reversing such decision of the provincial court.

Rule for determining from what decrees of the provincial court of appeal passed under this section an appeal is to lie to the Sudder Dewanny Adawlut.

Decrees passed under this section not to be carried into execution without the sanction of the Governor General in Council.

Option reserved to the Governor General in Council of confirming or alleviating the fine within four weeks after the decree may be received by him.

If the fine shall be confirmed or alleviated, by what court, and how it is to be levied.

Process and appeals instituted under this section to be conducted by the Vakeel of Government, on the part of the Collector, and to be carried on at the public expense.

Governor General in Council not precluded from ordering the lands of a defaulting proprietor to be sold before the conclusion of the year, whether he be in confinement or not.

Sales of land of proprietors in confinement for arrears, which have not been adjudged to be due by a judicial decree, whenever ordered to be made, to be suspended, if the proprietor shall deny the arrear to be due, and give the security required in Section XVI.

Where and when such security is to be given, in the event of the sales being ordered to be made at Calcutta or in the district.

Dispossessed farmers may prosecute for the arrears due to them.

XXIX. Although, in the ordinary course of the collections, the transfer or sale of landed property for balances must, of course, take place for the most part towards the end of the year, yet nothing in this Regulation is to be construed to preclude the Governor General in Council from ordering the sale of the lands of a defaulting proprietor of land, who may not have instituted a suit to contest the arrears, whether he may be in confinement or not, to be made at any time previous to the close of the year in which the arrears may become due, should it in any case appear to him inexpedient to postpone the sale until after the expiration of it. And at whatever period the sale of the lands of a proprietor in confinement may be ordered to take place, if the arrear shall not have been adjudged to be due from him by a decree of a court of justice, and provided he shall, previous to the day of sale, deny the justness of the whole or a part of the arrear under his engagements and give the security required in Section XVI., the sale of his lands is not to be made until the cause shall be finally decided. If the sale of the lands shall have been ordered to be made at Calcutta, the proprietor is either to give the required security to the Board of Revenue previous to the day of sale, or to the Collector of the district ten days prior to the day fixed for the sale, so that there may be sufficient time for him to notify the acceptance of the security to the Board of Revenue. The Collector is not to accept of the security unless he shall be satisfied that it is good and sufficient. If he shall accept of the security, he is to forward notice of the acceptance of it to the Board of Revenue, in duplicate, by two different posts, to provide against the non-arrival of the notice which may be first despatched. If the sale of the lands shall be ordered to be made by the Collector of the district, he is empowered to suspend it upon such security being delivered to him previous to the sale; but he is immediately to report the circumstances to the Board of Revenue, for the information of the Governor General in Council. If the Governor General in Council shall annul the lease of any farmer in arrear under Section XXVIII., the defaulter is to be at liberty to prosecute the Talookdars, Zemindars, Putteedars, distinct or common, or under-farmers or Ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Collector to attach lands of sureties whom he may proceed to confine, sufficient to answer the demand against them.

How the Collector is to proceed if the surety possess no lands in the province of Benares

XXX. When a Collector shall proceed to confine the surety of any proprietor or farmer of land, in the cases authorized in this Regulation, he is immediately to cause such portion of the surety's lands as he may estimate to be sufficient to make good the amount of the demand, in the event of their being sold, to be attached under the rules prescribed in Sections XIV. and XV. for the attachment of the lands of defaulting proprietors. If the surety shall not possess any landed property within the province of Benares, but shall possess lands in either of the provinces of Bengal, Behar, or Orissa, the Collector is to depute an Aumeen into the zillah in which such property may be situated, with a letter specifying the amount of the demand on him and the property to be attached. The Collector of such zillah is immediately to order a Peon to point out the property to the Aumeen, who is to keep it in attachment until the Board of Revenue shall have obtained the sanction of the Governor General in Council for the sale of it. The Aumeen is to apply the amount of the collections from the lands, after deducting the expenses of his establishment,

ment, towards the discharge of the public revenue, which he is to pay to the Collector of the zillah in which the lands may be situated. If any surplus shall remain after making good the public dues, it is to be appropriated towards the discharge of the demand on account of which the attachment of the lands may have been made. If the property of the surety that may be attached shall be too inconsiderable to admit of its being charged with the expense of an Aumeen, the Collector to whom the money due from the surety may be payable is to apply to the Collector of the zillah in which the lands may be situated, to order the nearest Tehseeldar or native officer employed under him in the business of the collections to take charge of the lands, and the Collector to whom the application shall be made is to comply with it; and the Tehseeldar or native officer to whose charge he may commit the lands is to perform the duties prescribed to the Aumeen in Section VI., Regulation XIV. 1793, and under the same restrictions and penalties. The Collector of the zillah in which the lands may be situated is not to be liable to any prosecution on account of the attachment, but the Collector in conformity to whose application the attachment may take place is to be responsible for the consequences, in the same manner as if the lands had been situated in his own jurisdiction. The Board of Revenue are to apply to the Governor General in Council for his sanction for the sale of the lands belonging to the surety, either during the course of the year in which they may be attached or after the close of it, as they may deem advisable.

Board of Revenue to apply for permission to sell the lands of the surety.

Collector to attach lands ordered to be sold.

XXXI. When lands are ordered to be sold under this Regulation, the Collector (unless the lands shall have been previously committed to the charge of a Tehseeldar or other native officer, in which case such officer is to perform the duties hereafter specified in this section) is immediately to issue instructions to the Tehseeldar of the pergunnah to hold the lands in attachment, collect the rents and revenues under the rules and restrictions prescribed regarding lands under attachment in Section XV., and to prevent waste being committed by the defaulter, and furnish any information that may be required for the adjustment of the jumma to be assessed on the lands directed to be sold.

Where sales of land that may be ordered to take place under this Regulation shall be made.

XXXII. Sales of lands that may be ordered to take place under this Regulation are to be made by the Collector in his public office, or at Calcutta in the office of the Board of Revenue, under the superintendence of their Secretary, according as the Governor General in Council may direct. Previous to any such sale taking place, a publication is to be made in the Persian language, and the Hindostanee language and Nageree character, specifying the jumma at which the lands, or each lot of them if they are ordered to be sold in two or more lots, will be disposed of, and the place, date, and hour of the day fixed for the sale, and the proportion of the revenue payable on account of the year in which the sale of the lands may take place, for which the purchaser is to be responsible; or if the exact proportion cannot be ascertained, the rules by which the amount of it is to be adjusted. The publication is to be fixed up in some conspicuous place in the court-room of the Dewanny Adawlut of the city or zillah, the office of the Collector, the principal town or village in the lands to be sold, and the office of the Secretary to the Board of Revenue. The publication is to be fixed up at the several places above-mentioned for a term not less than one month before the sale takes place. All

Publication of notice of such sales where to be made, and what it is to contain.

Expenses of the sale from whence to be defrayed.

Other conditions of sale, where, and for what period to be fixed up.

expenses attending the sale are to be deducted from the proceeds of the sale. The other conditions of sale hereafter specified, as well as any special stipulations that may be made, are to be fixed up in a conspicuous part of the room in which the sale may be directed to take place, on the day of sale and during the three days preceding it.

Penalty for purchasers not paying the purchase-money by the stipulated period.

How such penalty is to be levied.

XXXIII. A deposit of five per cent. on the amount of the purchase-money is to be made at the time of the sale, by every purchaser of land that may be disposed of under this Regulation. If the purchaser shall omit to discharge the purchase-money within the period which may be stipulated, he is to forfeit the deposit to Government and the lands are to be resold at his expense. If the lands shall be disposed of at a lower price than that offered by the first purchaser, he is to make good the deficiency: if a profit shall arise on the second sale, it is to be carried to the credit of the defaulter. If the first purchaser shall refuse or omit to make the deposit, or to pay, within the required time, the amount of the deficiency and the expenses arising on the resale, after being served by the Collector in whose jurisdiction he may be or reside, or by the Board of Revenue if he shall be in Calcutta, with a written demand for the amount, for non-compliance with which such defaulting purchaser shall be considered exactly in the same predicament as sureties of proprietors or farmers of land who omit or refuse to discharge any sum of money due from them, and he is to be proceeded against accordingly by the Collector of the district or of the zillah in which he may be or reside.

Purchasers of lands under this Regulation not to be responsible for arrears or suspensions on account of former years, unless otherwise stipulated in the conditions of sale.

By whom such arrears and suspensions are to be made good.

XXXIV. The purchasers of lands sold under this Regulation are not to be held responsible for any arrears or suspensions of revenue, that may be due to Government from the lands prior to the year in which the purchase may be made, unless it shall be otherwise stipulated in the conditions of sale. Arrears or suspensions not so stipulated to be made good by the purchaser are to be paid by the former proprietor, and recourse is to be had to the remainder of his real or to any other property which he may possess, or to the confinement of his person, or to both his person and property, for the recovery of the amount. Arrears of rent or revenue that may be due to the defaulting proprietor from his under-farmers or Ryots preceding the date on which the lands may be sold, are to belong to him, and are to be recoverable by him by suit in the Dewanny Adawlut of the city or zillah. The defaulting proprietor, however, shall be at liberty to transfer his right to such arrears to the new proprietor.

Judge empowered to require the Collector to shew cause why any defaulter is continued in confinement under a judicial decree, and how to proceed in such cases.

XXXV. Any person confined for arrears of revenue, or other demands of Government, under this Regulation, either pursuant to a judicial decree or without such decree, is to be at liberty to apply to the Judge of the court of Dewanny Adawlut of the city or zillah, to require the Collector to shew cause why he is continued in confinement. If the person making such application shall be confined under a decree passed by the Sudder Dewanny Adawlut, or of the city or a zillah court, or the provincial court of appeal, and the time prescribed for appealing from the decision shall have elapsed, the Judge is not to enter into the merits of the case, but only to inquire whether the prisoner has discharged the amount of the decree, and the sums which may have become due from him subsequent to his confinement. If the prisoner shall not be confined under a judicial decree, but under the process which the

Collector is empowered by this Regulation to observe before conveying persons to gaol for claims of Government, and he shall dispute the justness of the demand, the Judge is not to inquire into the merits of the case, unless the party should renew his complaint, after the expiration of the period during which the Collector, by the discretionary power vested in him by Section XI., is authorized to confine parties in arrear; which rule is hereby extended to demands on sureties and purchasers of land, as far as it can be applied to them. If, however, the prisoner shall admit the justness of the demand for which he was confined, as well as any other claims that may be made upon him for sums stated to have become due from him subsequent to his confinement, and shall assert that the whole of such sums have been discharged by him, or otherwise apply to the court under Section XVI., the Judge is to proceed to inquire into the merits of the case. Upon examination of the prisoner's accounts of his payments, if it shall appear to the Judge that the demands, for which he may be in confinement have been liquidated, he is to release him, upon his giving security to make good any sum which the Collector may state to be still due from him, in the event of the cause being appealed and the sum being awarded in favour of Government. If the Collector shall not object to the adjustment of accounts made by the court, or if he shall object to them and the person confined shall omit to give the security above required, and the Collector shall not appeal within the time limited for preferring appeals, the Judge is to release the prisoner without taking any security. If it shall be found that the whole, or a part of the sum for which such person may be in confinement, remains undischarged, and he shall acquiesce in the adjustment of accounts made by the court, and shall have been confined on account of such demand for a term exceeding one year, the Judge is empowered to release him, upon his giving good security to pay the sum remaining due from him, by instalments, during the course of one year after his release. The Collector and the prisoner are to be allowed to appeal from the decision which may be passed by the court under Section XVI. and this section, in the event of either of them being dissatisfied with it, under the rules regarding appeals. The rules prescribed to the Collector in the following section, respecting the decisions therein specified, are to be considered applicable to all decisions passed under Section XVI. and this section.

Rule applied where a person is confined without a judicial decree.

Collector how to proceed in case of his being cast in a prosecution instituted against him in the city or zillah court, on account of sums demanded or received by him as arrears of revenue.

XXXVI. Upon a decision being passed in the Dewanny Adawlut, by which the whole or any part of a sum of money that may have been demanded, or actually received by the Collector, as an arrear of revenue under this Regulation, from any proprietor or farmer of land, shall be adjudged not to be due, the Collector is to apply immediately to the court, through his own Vakeel, for a copy of the proceedings and decree. The court is to order copies of the proceedings and decree to be delivered to the Collector with all practicable despatch. The Collector is to forward the papers without delay to the Board of Revenue, with a letter stating his objections to the decree. If the Board shall be of opinion that the decision is not well-founded, they are to authorize the Collector to appeal the cause to the provincial court of appeal. If that court shall confirm the decision of the city or zillah court, the Collector is to apply for, and the court is to grant, a copy of their proceedings in appeal, exclusive of the decree and proceedings received from the city or zillah court. The Collector is to forward the decree and proceedings of the provincial court to the Board of Revenue, with a letter containing his objections to the decree of that court. If the Board shall be dissatisfied with the decision of the provincial court of appeal, and the cause shall be appealable to the Sudder Dewanny Adawlut, they are to direct the Collector to prefer an appeal to that court. If the Board of Revenue are satisfied with the decision of the provincial court of appeal, they are to direct the Collector not to prefer an appeal to the Sudder Dewanny Adawlut. In all cases in which the Board of Revenue may order the Collector to prefer an appeal to the provincial court, the Collector is to be indemnified by Government for all costs and damages that may have been awarded against him by the city or zillah court. On the other hand, if the Board of Revenue shall deem the decision of the city or zillah court equitable, and not direct an appeal, the Collector is to defray all the costs and damages that may have been awarded against him in that court. The Collector is, nevertheless, to be at liberty to appeal the cause, but at the risk of paying all costs and damages that may be adjudged against him in appeal, in the event of his being ultimately cast. Appeals in which the Collector may be engaged, either in the provincial court of appeal or the Sudder Dewanny Adawlut, in consequence of orders from the Board of Revenue, are to be carried on by the Vakeel of Government and at the public expense.

Collector to be indemnified for all expenses incurred in suits in the city or zillah court from decisions from which the Board of Revenue may direct an appeal.

If persons prosecuting under Section XVI. shall be cast and appeal, the Collector is to nominate one of the Vakeels of the provincial court of appeal to defend the appeal.

If the decision of the city or zillah court should be confirmed, and the cause be appealed to the Sudder Dewanny Adawlut, and an appeal be admitted, the Collector is to appoint one of the Vakeels of that court to defend the appeal.

Collector how to proceed, if the provincial court should not confirm the decision of the city or zillah court.

XXXVII. If a Collector shall be prosecuted under Section XVI., and the prosecutor shall be cast, or be dissatisfied with the decision of the Judge of the Dewanny Adawlut of the city or zillah, and appeal to the provincial court of appeal, the Collector is to appoint one of the Vakeels of the court to plead the cause. If the decree of the city or zillah court shall be confirmed, or the appellant should be dissatisfied with the decision of the provincial court of appeal and appeal to the Sudder Dewanny Adawlut, and an appeal should be admitted, the Collector is to appoint one of the pleaders in that court to defend the suit. If the provincial court of appeal shall not confirm the decision of the city or zillah court, the Collector is to apply to the provincial court for a copy of the proceedings and decree of the city or zillah court, and of their proceedings and decree in the appeal. The courts are to furnish the Collector with these papers with all practicable dispatch, and the Collector is to forward them to the Board of Revenue, with a letter stating his objections to the decree in appeal. If the Board shall be of opinion that the decree of the provincial court is not well-founded, they are to authorize the Collector to appeal to the Sudder Dewanny Adawlut. If the Board shall see no ground for appealing from the decision of the provincial court of appeal, the Collector is nevertheless to be at liberty to prefer an appeal to the Sudder Dewanny Adawlut, but at the risk of paying all the costs and expenses which may be awarded against him by that court in the event of his being cast. All appeals that may be preferred by the Collector to the provincial court of appeal or to the Sudder Dewanny Adawlut, or in which he may be respondent, under this section, agreeably to the orders of the Board of Revenue, are to be carried on at the public expense and conducted by the Vakeel of Government, who is to be furnished with the necessary instructions for that purpose by the Collector.

Board of Revenue to order the Collector to appeal, if they think the decision of the provincial court not well-founded.

If the Board of Revenue shall not direct an appeal, the Collector is to be at liberty to appeal, but at his own risk.

All appeals preferred by the Collector under this section, agreeably to the orders of the Board of Revenue, to be carried on by the Vakeel of Government and at the public expense.

XXXVIII. In

Collector to appoint Vakeels of the city or zillah court, to defend suits preferred against him under this Regulation, and to nominate Vakeels of the court of appeal to carry on appeals which he may have preferred without the orders of the Board of Revenue.

XXXVIII. In every case in which a Collector may be prosecuted in the Dewanny Adawlut of the city or any zillah, under this Regulation, for sums demanded or received by him on behalf of Government from any proprietor or farmer of land, or from any surety, or from any purchaser of land, or for any sums demanded, or received, or taken by him, directly or indirectly, for his own use, from any of the above-mentioned descriptions of persons, over and above what he may be entitled to demand on behalf of the public, or for any acts done in his official capacity that may be repugnant to this Regulation, or which may not be warranted by it, and in appeals that he may have preferred without the orders of the Board of Revenue, he is to appoint any of the authorized Vakeels of the court before which the suit may be brought to plead the cause.

What suits instituted against a Collector under this section are to be considered of a personal and private nature, and how he is to defend them.

XXXIX. In prosecutions that may be instituted in the Dewanny Adawlut of the city or any zillah against the Collector of the province, for sums of money demanded, or directly or indirectly received or taken by him, for his own use, from any proprietor or farmer of land, or any surety, or any purchaser of land, or for any acts done in his official capacity that may be repugnant to this Regulation, or which may not be warranted by it, and that shall not involve any claims to sums received or demanded by him on behalf of Government, in conformity to this Regulation (which claims are to be made the subject of distinct suits, and are to be tried in the manner and under the rules prescribed in this Regulation), the Collector is not to forward the decree and proceedings to the Board of Revenue. The suit is to be considered entirely as a dispute of a private nature between the Collector and the prosecutor, and the Collector is to defend it at his own risk and expense, in the same manner as individuals amenable to the courts, and not employed by Government, are required to defend suits instituted against them.

Collector not to derive any pecuniary advantage from suits in which he may be engaged, except in the cases specified in Section XXXIX;

nor to suffer any loss, if his conduct is determined to be conformable to this Regulation.

Collector to bring to account all costs and damages that may be adjudged to him, with the exception above specified.

Collector to issue from the public treasury, and note in his accounts, the expenses of suits that are at all events to be defrayed by Government, as well as the expenses of suits that may be ultimately defrayable by Government, but not to insert such expenses in his accounts without the sanction of the Board of Revenue.

XL. The Collector is not to derive any pecuniary advantage whatever from suits that he may institute, or which may be preferred against him in any of the courts of justice, in his official capacity, with the exception of suits in which he may be engaged under the preceding section, the sums awarded to him in which he is to apply to his own use. On the other hand, it is not intended that the Collector should sustain any loss in levying the dues of Government, in cases in which his conduct may be adjudged by a final judicial decree to be conformable to this Regulation. The Collector is accordingly to bring to the credit of Government in his monthly accounts, all sums whatever (with the exception above specified) that may be adjudged to him as costs or damages by any of the courts of civil justice; and he is to insert at the foot of his monthly accounts, or in a separate account, or in his monthly accounts under a distinct head, according as the Board of Revenue may deem advisable, all sums which he may disburse in conformity to this Regulation, on account of process or suits directed to be carried on by the Vakeel of Government, the costs and damages in which are expressly directed to be defrayed by the public, or in suits, the costs and damages in which may be ultimately defrayable by Government, but for which the Collector is directed to be held responsible in the first instance. But he is in no case to charge these disbursements in his accounts, without previously obtaining the special sanction of the Board of Revenue for that purpose. Until such sanction is procured, the Collector is to be held answerable for the disbursements.

Board of Revenue to report to the Governor General in Council, any cases in which a Collector may have been compelled to pay costs or damages, and for which they may be of opinion he ought not to be made responsible.

XLI. If a Collector shall have been compelled to pay costs or damages in any suit under this Regulation, and upon his stating the case to the Board of Revenue it shall appear to them, upon a consideration of the circumstances of it, that he ought not to be made responsible for the amount, the Board are to transmit the case to the Governor General in Council, who will determine whether the Collector shall be made responsible for such costs or damages or not.

Cases in which security is to be demanded from the Collector for costs or damages, or for the performance of decrees of the court.

XLII. Security is not to be demanded from the Collector for his personal appearance, in any suit in which he may be engaged under this Regulation. Nor shall any security be required from him for the payment of the costs, or for the performance of the decrees or orders of the court, in suits which are directed by this Regulation to be carried on by the Vakeel of Government, and at the public expense. In suits for sums demanded or received by the Collector on behalf of Government, for the costs and damages in which he is declared eventually responsible, the courts are to require the same security from the Collector for the payment of the costs and damages, as would be taken in similar cases from individual suitors; but they are not to require any security from him for the performance of their decrees respecting the sums which may constitute the subject of the suits, as Government will be answerable for the due performance of them. In the suits described in Section XXXIX, which may be instituted against the Collector, he is to give the same security for the payment of the costs, and the performance of the decrees and orders of the courts, as would be required from individual suitors in similar cases. If a Collector shall refuse or omit to pay, within the limited period, any sum of money that may be ordered to be levied from him, either on account of the suits decribed in Section XXXIX, or as costs or damages in any other suits for the expenses incurred in which he is declared eventually responsible, the court is to levy the amount from his surety by the customary process. If the court shall not be able to obtain payment from his surety, the Judge is to report the circumstances to the Governor General in Council, who will order the amount to be paid from the public treasury and deduct it from the allowances which may be receivable by the Collector from Government. In all other cases, if a Collector shall omit or refuse to obey any order or decree of a court of judicature, the court from which the process shall have issued is to fine him according to the nature of the offence. In the event of the Collector refusing or omitting to pay the fine, the court is to report the circumstances to the Governor General in Council, who, provided he shall approve of the fine, will order the amount to be stopped from the allowances which may be receivable by such Collector from Government.

Court how to proceed in the event of a Collector omitting or refusing to obey any order or decree.

Board of Revenue to issue instructions to the Collector regarding the mode of inserting or not inserting in his accounts his receipts and disbursements in the suits herein mentioned, and to require such vouchers for the sums as they may think proper.

XLIII. The Board of Revenue are to issue such instructions as they may think advisable to the Collector, regarding the mode of inserting in his monthly accounts the sums which may be paid to him as costs and damages, in consequence of the orders or decrees of any of the courts of civil judicature, or noting at the foot of his accounts, or charging under a separate head in his monthly accounts, the sums which he may disburse as costs or damages which are expressly directed to be defrayed by Government, whatever may be the final decision in the cause or that may be ultimately defrayable by Government;

although in the first instance the Collector is to be held responsible for them; and to require such vouchers as they may deem necessary for such receipts and disbursements, as well as for the sums which the courts may adjudge to be repaid from the public treasury, or not to be due to the public.

Process issued against Collectors under this Regulation how to be served.

XLIV. When any process or order shall be issued by any of the courts of civil judicature to the Collector, in suits instituted under this Regulation, the Register of the court immediately serving the process or order is to transmit it under a cover, sealed in the form of a letter, and superscribed with his name and official appellation, and addressed to the Collector. The Collector is to acknowledge the receipt of the process or order on the day on which he may receive it, by a letter addressed to the Register of the court by which it may have been served.

Collectors allowed to forward instructions to their Vakeels in the courts of appeal, by the dawk, free of postage.

Instructions to be sealed and enclosed under a sealed cover, addressed to the Register of the court.

Persons removed from the office of Collector, and having suits depending in the city or zillah court, empowered to forward instructions to their Vakeels by the public dawk, and through the Register of the court.

Vakeels in any of the courts employed by Collectors under this Regulation, empowered to forward papers to their constituents free of postage, through the Register of the court in which the cause may be depending.

XLV. To facilitate the communication between the Collector and the Vakeels in the provincial court of appeal and the Sudder Dewanny Adawlut, who may be entrusted with the conduct of any appeals (including appeals from decisions in the suits described in Section XXXIX.), in which the Collector may be engaged under this Regulation, either whilst he may continue in the office of Collector of the district in which the suits may have arisen or after his removal from the office, the Collector is permitted to forward, free of postage, any instructions regarding such appeals, which he may have to transmit to the Vakeels of those courts. The instructions are to be enclosed under cover, sealed and directed to the Vakeel. The instructions, so sealed and directed, are to be transmitted under a sealed cover, addressed to the Register of the court in which the cause may be depending, and superscribed with the name and the official appellation of the Collector, or that which he bore when the cause of action arose. The Register of the court, immediately upon receiving the instructions, is to deliver them sealed to the Vakeel to whom they may be directed. Any person who may be removed from the office of Collector of the province, and who may have a suit or suits depending in the Dewanny Adawlut of the city or any zillah, after his removal from the office, is likewise empowered to forward instructions to his Vakeel, respecting such suit or suits, through the Register of the court. In like manner the Vakeels in any of the courts to whom the pleading of suits may be committed under this Regulation, by persons holding the office of Collector, or after they have been removed from the office, are authorized to forward any papers which they may have to convey to their employers by the public dawk, free of postage. The papers are to be enclosed in a cover, sealed with the seal of the Vakeel; and the Register of the court is to transmit the papers, so sealed, in a cover sealed and addressed to the person to whom they are to be forwarded, and superscribe the cover with his official signature.

Sums advanced as tuccavy or poolbundy, &c. to be recovered under this Regulation in the same manner as arrears of revenue.

XLVI. Arrears of tuccavy, or any money advanced by Government to proprietors or farmers of land, for making or repairing embankments, reservoirs, or water-courses, or other improvements to their estates or farms, are to be recovered by the same process as is prescribed for exacting payment of arrears of revenue, and under the same rules and restrictions, as far as they may be applicable.

Collector not to be liable to prosecution for the acts of his predecessors. What suits persons removed from the office of Collector are

XLVII. No Collector is to be liable to prosecution for any official acts of his predecessor. But persons who may be removed from the office of Collector of the revenue of the province are to carry on, in the same manner as if bound to prosecute or defend after their removal.

they had continued in the office, all suits of the nature of those described in Section XXXIX. in which they may be engaged, and all suits preferred against them in the city or any zillah court, for sums that they may have demanded or received on behalf of Government, and for the costs and damages in which they are declared eventually answerable; as well as all suits, being appeals from decisions in suits of the last-mentioned description, excepting such of those appeals as they may have preferred, or in which they may have become a party, in consequence of orders from the Board of Revenue.

Collector to carry on the unfinished suits and process herein specified, which may have been instituted under his predecessors.

XLVIII. If the Collector of the province of Benares shall die or be removed from his office, his successor is to carry on all unfinished process or suits in the courts of Dewanny Adawlut, directed by this Regulation to be conducted by the Vakeel of Government and at the public expense; and all appeals from the decrees of the city court, or the zillah courts, or the provincial court of appeal, in such cases; as also all appeals from the decrees of the city and zillah courts, or the provincial court of appeal, in which the former Collector may have been engaged in consequence of orders from the Board of Revenue, and which are directed to be pleaded by the Vakeel of Government and at the public expense.

Cases in which the Board of Revenue are to take upon themselves the prosecution or defence of appeals in the Sudder Dewanny Adawlut.

XLIX. In cases in which the Board of Revenue may judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they are to take upon themselves the superintendence of the prosecution or defence of any appeal in the Sudder Dewanny Adawlut, which a Collector may prefer or be engaged in pursuant to their orders, instead of leaving the superintendence of the appeal to him.

If the proceeds of the sale of the malguzarry lands of any defaulter are not equal to the demand against him, his other property to be sold to make good the deficiency.

Expenses attending the attachment of property ordered to be sold, but the sale of which may be countermanded, to be defrayed by the proprietor.

L. If the lands subject to the payment of revenue to Government belonging to any defaulting proprietor or farmer of land, or any surety or purchaser of land, which may be sold under this Regulation, shall not produce a sum sufficient for the liquidation of the public demand, any other real or personal property which the defaulter may possess is to be attached and sold to make good the deficiency, under the same rules as his lands subject to the payment of revenue to Government are directed to be sold, as far as those rules may be applicable to such property. And if any property shall be attached and ordered to be put up to sale, and the sale shall be countermanded in consequence of the proprietor discharging the claim upon him, or otherwise, he is nevertheless to be held responsible for all expenses that may be incurred in consequence of the attachment of the property, in the same manner as if the sale of it had taken place, and in the event of his omitting to discharge the amount, it is to be levied by the same process as the demand for which the property originally ordered to be sold may have been directed to be levied.

City and zillah courts how to proceed, in cases in which persons may dispute the validity of the engagements under which demands may be made upon them by the Collector, or have any objections to make to the engagements, either wholly or partially, under this Regulation, or deem themselves aggrieved by acts done by the Collector in conformity to special orders from the Governor General in Council or the Board of Revenue.

LI. If a proprietor or farmer, or a surety, or a purchaser of land, shall deem himself aggrieved under this Regulation by any act which may be done by the Collector, in conformity to special orders from the Governor General in Council or the Board of Revenue, or if the Collector shall demand a sum of money under this Regulation, on behalf of Government, from any of the above-mentioned descriptions of persons, and the stated defaulter shall admit the demand to be conformable to the engagements or stipulations under which the Collector may make the demand, but deny their validity, or have any objections to make to them, either wholly or in part, under any Regulation passed by the Governor General in Council and printed and published in the manner prescribed in Regulation XLI. 1793, the Collector is not to be liable to any prosecution on account of such act, or the demands that he may make conformably to such engagements or stipulations, which are to be held valid until they are set aside or altered by a final judicial decision; and the proprietor or farmer of land, or surety, or purchaser of land, is to discharge the demands that may be made upon him by the Collector under such engagements or stipulations, until the decision shall be passed. In the cases above specified, Government is to be considered as a party in the cause with its subjects, and the proprietor or farmer of land, or the surety or purchaser, is to present a petition to the Judge of the Dewanny Adawlut of the city or zillah in which the cause may be cognizable, stating his objections to the act, or to the engagements or stipulations, and praying that the Governor General in Council will order the Dewanny Adawlut of the city or zillah to try the points or matters contested under the Regulations. The Judge to whom the petition may be presented is to forward it immediately to the Governor General in Council, who, provided he shall not think it proper to afford the redress that may be solicited by the petitioner, and the courts of justice shall be competent to try the cause, will direct the court in which it may be cognizable to proceed to the trial of it. If the Governor General in Council shall order the cause to be tried, the Judge of the court is to send a written notification of the order to the complainant, and the cause is to be considered as filed in the court from the date of the notification. The court is then to proceed to try the suit, under the same rules and regulations as are prescribed for the trial of suits between individuals. The Collector is to carry on, under the orders of the Board of Revenue, all suits that may be instituted against Government in conformity to this section, and to issue the necessary instructions to the Vakeel of Government in the city or zillah court, and in the provincial court of appeal or the Sudder Dewanny Adawlut, should the cause be appealed to the former, or both of those courts. In the event of Government being cast in the city or zillah court, or in the provincial court of appeal, the Collector is to send copies of the decree and proceedings of the court (which are to be delivered by the court to the Collector as soon as may be practicable upon his applying for them), with a letter stating his objections to the decision, to the Board of Revenue, who are to submit them, with their opinion on the case, to the Governor General in Council, who will order an appeal to be preferred from the decision or not, as he may deem advisable. All costs and damages that may be awarded against Government in suits instituted under this section, are to be defrayed from the public treasury.

LII. The rules respecting the Collector contained in this Regulation are to be considered equally applicable to the Assistant to the Collector, or any other person who may be appointed by the Governor General in Council to officiate as Collector during the temporary absence of the Collector, or whilst the office may be vacant.

Rules in this Regulation regarding the Collector to be held applicable to the acting Collector.

LIII. No part of this Regulation is to be construed to authorize the confinement of the person of any joint proprietor of an estate committed to the charge of a manager (as is now the case with certain estates in the pergunnah of Kerenda) whilst such manager remains responsible. Nor to empower the Collector to take a female proprietor of land into custody, or order any such proprietor to attend him in person, under any pretext whatever.

Joint proprietors of estates committed to the charge of a manager, not to be confined under this Regulation for demands of Government.

A.D. 1795. REGULATION VII.

A REGULATION *for establishing a Court of Dewanny Adawlut, or Court of Judicature for trying civil Suits, in the first Instance, at the City of Benares, and at Mirzapore, Ghazeepore, and Juanpore, in the Province of Benares, and for defining the Jurisdiction and Powers of those Courts:* PASSED *by the Governor General in Council on the 27th March* 1795 *(corresponding with the 16th Chyte,* 1201 *Bengal era; the 22d Chyte,* 1202 *Fussily; the 16th Chyte,* 1202 *Willaity; the 22d Chyte,* 1852 *Sumbut; and the 5th Ramzaan,* 1209 *Higeree).*

I. THE Governor General in Council being solicitous to extend to the inhabitants of the province of Benares, including those who resort to it through religious motives, the same security for the enjoyment of the privileges and immunities which have been conferred upon them, as is experienced in similar respects by the inhabitants of the provinces of Bengal, Behar, and Orissa, and to ensure to them equal protection with regard to their persons and property, he has determined, on the grounds which induced him to new model the constitution of the courts of judicature in those provinces, as stated in the preamble to Regulation III. 1793, to abolish the courts of judicature in the province of Benares now superintended by native Judges (which were originally established with a view to the introduction of a more perfect system of administering the laws), and in lieu of them to erect courts for the trial of civil suits in the first instance, constituted upon the same principles, and vested with the same powers, as the city and zillah courts in the three provinces above-mentioned. The following rules have been accordingly enacted.

Courts of Dewanny Adawlut to be denominated after the city or zillah for which they are respectively established.

II. *First.* A court of Dewanny Adawlut, or court of judicature for the trial of civil suits in the first instance, shall be established in the city of Benares, and at Mirzapore, Ghazeepore, and Juanpore, and each court shall be denominated after the city or zillah in which it may be established, as follows:

Benares.

Second. The court of Dewanny Adawlut to be established in the city of Benares, shall be denominated "*the court of Dewanny Adawlut for the city of Benares.*"

Mirzapore, Ghazeepore, Juanpore.

Third. The courts of Dewanny Adawlut to be established at Mirzapore, Ghazeepore, and Juanpore, are to be respectively denominated, "*the court of Dewanny Adawlut for the zillah of Mirzapore, Ghazeepore, and Juanpore.*"

The city, and each of the zillah courts, to be superintended by one Judge.

Oaths to be taken by the Judges of the city and zillah courts.

III. The city court and each zillah court is to be superintended by one Judge, who, previous to entering upon the execution of the duties of his office, is to take and subscribe before the Governor General in Council, or any person whom he may commission to administer it, an oath similar to that prescribed to the Judges of the city and zillah courts in the provinces of Bengal, Behar, and Orissa, by Section III., Regulation III. 1793.

Special jurisdiction of the city and zillah courts.

IV. *First.* The special jurisdiction of the city court and each zillah court is declared to be as follows:

Second.

Jurisdiction of the city court.

Second. The jurisdiction of the Dewanny Adawlut of the city of Benares is to extend throughout the under-mentioned places:

The city of Benares and its suburbs.

Those small divisions of territory contiguous to the city, known by the names of the talooks of Jalhoopoor and Lhota, together with Chetaypoor, the amanut mehals, and Teekree.

The pergunnahs of Sheopoor, Kutteher, and Kuswar, as far as regards the divisions of it called Gungapoor, Kurowna, and Jukhnee, and Soorye Kerowte.

The pergunnahs of Atgowan or Hurhood, Ralhoopoor, Dhoos, and Mohwy and Mehwary.

Jurisdiction of the zillah court of Mirzapore.

Third. The jurisdiction of the Dewanny Adawlut for the zillah of Mirzapore is to extend throughout the under-mentioned places:

The mundovee or mart of Mirzapore, and the limits thereof.

The pergunnah of Kuntit, consisting of its three tuppahs of Chowrassy Chehanovy, Ophrowde, and Kone.

The talook of Suktesghur.

The pergunnahs of Burhur Agowrie, Bejehghur, Budhoee, Havily Chunar, Bhugwut or Putteeta, and Kureeat Sekhur.

The talook of Mujehwa.

The pergunnahs of Ahroura, Bhoilee, and Kera Mungrore.

Jurisdiction of the zillah court of Ghazeepore.

Fourth. The jurisdiction of the Dewanny Adawlut of the zillah of Ghazeepore is to extend throughout the under-mentioned places:

The town of Ghazeepore and its limits.

The pergunnahs of Havily Ghazeepore, Zemanea, Chownsa, Burreh, Mehayeh or Mehaitch, Bhurwul, Mujehwar, Nerwun, Beleeah, Syedpoor Betree, Sekunderpoor, Khereed, Kopachet, Mahommedabad, Gurha and Dehma, Zehoorabad, Pachoter, Shadeeabad, Behreeabad, Kurrendeh, Luknesr, and Khanpoor.

The talooks of Cheet and of Feerozpoor.

Jurisdiction of the zillah court of Juanpore.

Fifth. The jurisdiction of the Dewanny Adawlut of the zillah of Juanpore is to extend throughout the following places:

The town of Juanpore and its limits.

The pergunnahs of Havily Juanpore, Angoolee, and Rauree, including the talook of Budlapoor.

The talooks of Kereeat Mehra, Dowst, Singramow, Chundwuck or Dobehee, Sreemoo Pessara, and Shah Gunge.

The other talooks included under the general denomination of the Mehalat Bukhsheeat.

The pergunnah of Pundraha.

The tuppeh of Guzara.

The pergunnahs of Kerakut, Gurwara, Muchlee Sheher or Ghessooa, Mongra, and Mureeahoo.

The talooks of Bursuttee and Gopalapore.

The pergunnahs of Bealsee and Kola-asla.

The talooks of Dowrooa and Bynsadeoray.

The local jurisdiction of the courts liable to be altered by Government.

Sixth. The local jurisdiction above assigned to the city court and to the three zillah courts, is to be subject to such alteration as the Governor General in Council may occasionally judge expedient.

Section V., Regulation III. 1793, extended to the city and zillah courts in Benares.

V. The rules prescribed in Section V., Regulation III. 1793, to the city and zillah courts in the provinces of Bengal, Behar, and Orissa, are hereby declared to extend to the city court, and the three zillah courts in the province of Benares.

Seals of the courts.

Seals to remain in the custody of the Judges.

VI. The city court and the three zillah courts are each to use a circular seal, one inch and three-quarters in diameter, with an inscription to the following effect, in the Persian language and character, and the Hindostanee language and Nageree character: "The seal of the Dewanny Adawlut of the city (or zillah) of ...." The seal of each court is to remain in the custody of the Judge.

Sections VII., VIII., IX., X., XI., XII., XIII., Regulation III. 1793, extended to Benares.

VII. The jurisdiction, powers, and authorities, vested in the zillah and city courts in the provinces of Bengal, Behar, and Orissa, by Sections VII., VIII., IX., X., XI., XII., XIII., Regulation III. 1793, are hereby vested in the city court and the three zillah courts in Benares, and the rules contained in those sections are to be considered equally applicable to the province of Benares as to the provinces of Bengal, Behar, and Orissa.

Courts not to try the merits of any suit for lands or grounds, where the cause of action shall have arisen before the 1st of July 1775; nor any suit where the cause of action shall have arisen twelve years before a suit or suits shall have been commenced for it.

Exceptions to the rule.

Further exceptions in respect to bonds and to mortgages.

VIII. The city court and the three zillah courts are prohibited hearing, trying, or determining the merits of any suit whatever against any person or persons, to regain the possession of lands or grounds, if the cause of action shall have arisen previous to the 1st of July 1775, or any suit whatever against any person or persons, if the cause of action shall have arisen twelve years before any suit shall have been commenced on account of it; unless the complainant can show, by clear and positive proof, that he demanded the money or matter in question, and that the defendant admitted the truth of the demand, or promised to pay the money, or that he directly preferred the claim within that period for the matter in dispute to a court of competent jurisdiction, or to the Hakim ul Wokt, or person having authority, whether local or otherwise, for the time being, to hear such complaints, to try the demand, and assign satisfactory reasons to the court why he did not proceed in the suit, or show that, either from minority or other good and sufficient cause, he was precluded from obtaining redress. But from this rule are excepted all claims founded on bonds which shall have been in a course of payment by instalments, or of which any proportion shall have been paid within twelve years previous to the institution of the suit; and also all claims on mortgages, the period for rendering which obsolete and unactionable is to be determined by the law of the religion of the defendant.

Decrees not to be given for sums of money on bond which may be entered into after the 1st July 1795, which may not have been executed in the presence of two credible witnesses, unless the sum or a valuable consideration shall be proved to have been given.

Cases to which this restriction is not to extend.

IX. The city court and the three zillah courts are prohibited decreeing the payment or satisfaction of any sum due on a tamassook or bond, which may have been entered into after the 1st of July 1795, unless the bond shall be proved to have been executed in the presence of two credible witnesses, or the payment of the sum demanded on the bond, or some other valuable consideration for it having been received, shall be proved to the satisfaction of the court. But the restriction contained in this section is not to extend to any bills of exchange, receipts, or notes of hand, in the determination on which the custom of the country is to be abided by; nor to the dealings and money transactions amongst Mehajins and Shroffs, in which the established customs observed and in force amongst them are to be adhered to by the courts in their inquiries and decisions.

Judges not to entertain suits which may have been decided by any former Judge, or superintendent having competent jurisdiction.

X. The city court and the three zillah courts are prohibited entertaining any cause which, from the production of a former decree or the records of the court, shall appear to have been heard and determined by any former Resident, acting Resident, or native Hakim or Superintendent of a court having competent jurisdiction. If any doubt should arise respecting the competency of the former jurisdiction, the Judge is to report the circumstances to the Sudder Dewanny Adawlut and wait the instructions of that court.

Doubts respecting the competency of the former jurisdiction to be submitted to the Sudder Dewanny Adawlut.

Sections XVIII., XIX., XXI., Regulation III. 1793, extended to Benares.

XI. The rules prescribed to the city and zillah courts in Bengal, Behar, and Orissa, in Sections XVIII., XIX., XXI., Regulation III. 1793, are hereby declared to extend to the city court and three zillah courts in Benares.

An appeal to lie to the provincial court of appeal from the decisions of the city and zillah courts under Regulation IX. 1795, and the rules in Regulation V. 1793, declared to extend to Benares.

Exception to the Rule.

Judges to state in their decrees the grounds on which they may be passed.

XII. An appeal shall lie to the provincial court of appeal for the division of Benares from the decisions of the city court and the zillah courts, under Regulation IX. 1795, and the rules in Regulation V. 1793, which are declared by the first-mentioned Regulation to extend to the province of Benares (excepting in cases in which the decisions of the city court and the zillah courts are declared final by any Regulation), and the Judges are invariably to state in every decree the grounds on which it may be passed.

A. D. 1795. REGULATION VIII.

A Regulation *for extending to the Province of Benares, with Alterations and Modifications, Regulation IV. 1793, entitled* " A Regulation for receiving, " trying, and deciding Suits or Complaints declared cognizable in the " Courts of Dewanny Adawlut established in the several Zillahs, and in the " Cities of Patna, Dacca, and Moorshedabad;" *and for exempting the Rajah of Benares and the Baboos of his Family, and certain Bankers, when Defendants, from giving the Security required from other Defendants;* Passed *by the Governor General in Council on the 27th March 1795 (corresponding with the 16th Chyte, 1201 Bengal era; the 22d Chyte, 1201 Fussily; the 16th Chyte, 1202 Willaity; the 22d Chyte, 1852 Sumbut; and the 5th Ramzaan, 1209 Higeree).*

I. The rules for receiving, trying, and deciding suits or complaints, prescribed to the courts of Dewanny Adawlut in the cities and zillahs in the provinces of Bengal, Behar, and Orissa, by Regulation IV. 1793, being, with certain alterations and modifications, considered equally applicable to the courts of Dewanny Adawlut established in the city of Benares, and in the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor; and it having been deemed advisable, from respect to the Rajah of Benares, to exempt him and the Baboos of his family, when defendants in any suit, from giving the security required from other defendants; and it having been thought proper to grant a similar privilege to certain bankers, in consideration of the long established credit and responsibility of their houses; the following rules have been enacted.

Regulation IV. 1793, extended to Benares, with alterations and modifications.

II. The rules contained in Regulation IV. 1793, for receiving, trying, and deciding suits or complaints declared cognizable in the courts of Dewanny

Adawlut established in the several zillahs, and in the cities of Patna, Dacca, and Moorshedabad, in the provinces of Bengal, Behar, and Orissa, are to be considered as the rules for receiving, trying, and deciding suits or complaints, declared cognizable in the courts of Dewanny Adawlut established in the city of Benares, and in the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor, with the following alterations and modifications.

Rule substituted in lieu of Section XV.

By what law the suits herein described are to be decided.

III. *First.* The following rule is substituted in lieu of Section XV.

Second. In suits regarding succession, inheritance, marriage, and caste, or other religious usages or institutions, the Mahomedan laws with respect to Mahomedans, and the Hindoo laws with regard to Hindoos, are to be considered as the general rules by which the Judges are to form their decisions.

Where parties in suits are of different persuasions, the court is to be guided by the law of the defendant.

Exception.

In causes in which the plaintiff shall be of a different religious persuasion from the defendant, the decision is to be regulated by the law of the religion of the latter; excepting where Europeans, or other persons, not being either Mahomedans or Hindoos, shall be defendants, in which cases the law of the plaintiff is to be made the rule of decision in all plaints and actions of a civil nature. The Mahomedan and Hindoo law officers of the courts are to attend to expound the law of their respective persuasions, in cases in which recourse may be required to be had to it.

Rule in the following clause substituted in the room of Section IX.

Copies of decrees regarding malguzarry land to be furnished by the courts to the Collector and the Board of Revenue, for keeping complete the quinquennial register of lands.

What the abstract is to contain.

IV. *First.* The rule contained in the following clause is substituted in lieu of Section IX.

Second. That the quinquennial register of landed property paying revenue to Government, directed to be kept by Regulation XIX. 1795, may be complete, the city court and the zillah courts are strictly enjoined to transmit to the Collector of Benares and to the Board of Revenue, a copy of every decree that they may pass, or which may be sent to them to be enforced by the provincial court of appeal or the Sudder Dewanny Adawlut, regarding any talook, or zemindarry, or putteedarry, distinct or common, or other lands paying revenue immediately to Government, or in any wise concerning the possession of such land. The Judge is to transmit the copy of the decree within ten days after he may pass or receive it. The decree is to be attested with the signature of the Judge and the seal of the court, and is to be accompanied with a short abstract of it, specifying the date of the decree, the names of the pergunnah or pergunnahs, the talook or talooks, the turf or turfs, the village or villages, or the kismuts or portions of each, which may be decreed, the name or names of the person or persons last in possession, the person or persons to whom the lands may be decreed, and if the land be decreed to two or more persons, the shares awarded to each person.

Rate of tullubana to be exacted in lieu of that specified in Section XX.

Third. Peons deputed to serve summonses or execute process, are to receive two annas per day each, instead of the rates specified in Section XX.

What officers the courts are to order to take charge of land adjudged forfeited under Section XXII.

V. Where decrees of forfeiture may be ordered to be executed, as specified in Section XXII., the court by which the decree is to be executed is, in all cases, in the precept directed to be issued to the Collector, to require him to order the nearest Tehseeldar, or other officer who may be employed under him in the business of the collections, to take charge of the lands.

Rule substituted in lieu of Section XXIII.

How lands forfeited under Section XXII. are to be disposed of.

VI. *First.* The following rule is substituted in lieu of Section XXIII.

Second. If the decree adjudging the lands of the offender forfeited shall be confirmed or stand good under Section XXII., it shall be at the option of the Governor General in Council either to confer the rights which the offender possessed in the lands, on his heirs, upon their agreeing to make good all sums whatever that may be due from him to Government on account of the land forfeited and to pay the fixed public revenue assessed upon them, or if the property forfeited be a common or distinct putteedarry, the revenue payable from it to the principal proprietor or proprietors, or to the pottah-holder or pottah-holders in whose pottah it may be included; or to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited, in Regulation XX. 1795.

Collector to procee against farmers whose leases may be annulled under Section XXIV., and their sureties, for arrears, in the manner specified in Regulation VI, 1795.

VII. The Collector is to proceed against farmers whose leases may be annulled under Section XXIV., and their sureties, for the recovery of any arrears that may be due from them, in the manner specified in Regulation VI. 1795, instead of Section XX., Regulation XIV. 1793, as directed in the first-mentioned section, for the recovery of balances due from farmers whose leases may be adjudged annulled in consequence of their having resisted the process of the Collector or their sureties. The offender is permitted to prosecute in the Dewanny Adawlut in the jurisdiction of which the farm may be situated, the Talookdars, Zemindars, Putteedars, distinct and common, under-farmers, and Ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

How the offender is to recover arrears due to him in the farm.

Rules respecting resistance to the process of the zillah courts to be considered equally applicable to resistance to the process of the city court.

VIII. The rules prescribed in Regulation IV. 1793 and this Regulation, regarding proprietors of land, whether Zemindars, Talookdars, or Putteedars, distinct or common, or farmers of land holding farms immediately of Government, or other persons resisting, or causing to be resisted, any process, rule, order, or decree of a zillah court, are to be considered equally applicable to any such persons who may resist, or cause to be resisted, any process, rule, order, or decree of the Dewanny Adawlut established in the city of Benares.

Languages and characters in which the process of the courts is to be written.

IX. The rules, orders, and other process of the city and zillah courts in the province of Benares, are to be written in the same languages and characters as the rules, process, and orders of the courts in the province of Behar.

Cases wherein defendants are not to be called on for security in cases tried before the city and zillah courts.

X. On a written complaint being preferred, in the manner specified in Section V., Regulation IV. 1793, either against the Rajah of Benares or against any of the principal Mehajins of the city of Benares, being such as are known under the denomination of Nowputty, or against any of the Baboos (being persons of the Rajah's blood and family), the security required from defendants in the said section shall not be demanded of them; but the court is merely to issue a notice to such defendants, containing a short account of the nature of the demand, and fixing a day for him or them to appear, either in person or by Vakeel duly authorized, to answer to the claim; and in case of his or their failing to appear as required, or to conform to all the subsequent established process in the cause, such defendant or defendants shall forfeit the honorary privilege hereby reserved to them, and be dealt with in all respects as other unprivileged defendants. This privilege, however, is to be construed to extend only to the cases above specified, in which such persons may be defendants in the city court or the zillah courts, and to suits which may be directed to be tried in the first instance in the provincial court of appeal or the Sudder Dewanny Adawlut, pursuant to orders from the Governor General in Council, or in the provincial court of appeal in conformity to directions from the Sudder Dewanny Adawlut, and not to any cases of appeal in which, whether the appeal be lodged in the provincial court of appeal or the Sudder Dewanny Adawlut, the said persons are to give the same securities as other persons concerned in appeals in those courts.

A.D. 1795. REGULATION IX.

A REGULATION *for establishing a Provincial Court of Appeal in the Province of Benares, for hearing Appeals from Decisions passed in the City Court and the Zillah Courts in that Province, and defining its Powers and Duties, and prescribing Rules for receiving and deciding upon Appeals, and other Causes of which it is declared to have cognizance:* PASSED *by the Governor General in Council on the 27th March 1795 (corresponding with the 16th Chyte, 1201 Bengal era; the 22d Chyte, 1202 Fussily: the 16th Chyte, 1202 Willaity; the 22d Chyte, 1852 Sumbut; and the 5th Ramzaan, 1209 Higeree).*

I. THE jurisdiction of the courts of Dewanny Adawlut established in the city of Benares, and the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor, being now extended not only to the causes relative to matters of revenue which were heretofore cognizable by the Resident and the Aumils, but to civil suits of all descriptions between individuals, and under certain restrictions between Government and its subjects; and the reasons assigned in the preamble to Regulation V. 1793, for establishing provincial courts of appeal in the provinces of Bengal, Behar, and Orissa, being in consequence considered applicable to the province of Benares, the Governor General in Council has enacted as follows.

A provincial court of appeal established at Benares.

Court to be superintended by three Judges; their official appellations, and oath of office.

II. A court of appeal shall be established at the city of Benares, to be denominated "the Provincial Court of Appeal for the Division of Benares." The court is to be superintended by three Judges, who are to be styled the first, second, and third Judge of the court. Every Judge, previous to entering upon the execution of the duties of his office, is to take and subscribe an oath, similar to that prescribed for the Judges of the provincial courts of appeal in the provinces of Bengal, Behar, and Orissa, by Section II., Regulation V. 1793.

Jurisdiction of the provincial court of appeal.

III. The jurisdiction of the provincial court of appeal is to extend over the city of Benares, and the other places included in the jurisdiction of the city court, and the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor.

Court to be held in the city of Benares, in a large room, three days in each week, or oftener if necessary.

No decree, order, &c. to be made but on court days, and in open court.

IV. The provincial court of appeal for the division of Benares is to be held in the city of Benares. The court is to sit in a large and convenient room, three days in every weeek (excepting for the period during which the Judges may be employed in making the half-yearly gaol deliveries, in their capacity of Judges of circuit), or oftener if the business shall require it, and no rule, order, proceeding, or decree, is to be made but on court days and in open court.

Seal of the court.

V. The provincial court of appeal for the division of Benares is to use a circular seal of two inches in diameter, with the following inscription in the Persian character and language and the Hindostanee language and Nageree character: "The seal of the provincial court of appeal for the division of "Benares."

Rules in Regulation V. 1793, from Section VI. to the conclusion, extended to Benares, with the alterations and modifications specified in the following sections.

VI. The jurisdiction, powers, and authorities vested in the provincial courts of appeal for the several divisions in the provinces of Bengal, Behar, and Orissa, by the several sections of Regulation V. 1793, commencing from Section VI. to the conclusion of the said Regulation, are hereby vested in the provincial court of appeal for the division of Benares, and all the rules in the said sections are to be considered as extending to the province of Benares, with the following alterations and modifications.

Rules respecting the resistance of the process of the court in the zillahs, to be considered to extend to similar offences committed in the jurisdiction of the city court.

VII. The rules prescribed in Regulation V. 1793, and this Regulation, respecting any Zemindar, Talookdar, or other proprietor of land or farmer of land, or other person in the zillahs, who may resist, or cause to be resisted, any process, rule, order, or decree of the provincial court of appeal, are to be considered as extending to any such person in the jurisdiction of the city court who may be guilty of a similar offence.

What officers the court is to order to take charge of land adjudged forfeited under Section XXIII.

VIII. Where decrees of forfeiture may be ordered to be executed under Section XXIII., the court by which the decree is to be executed is, in all cases, to issue a precept, under the seal of the court and the signature of the Register, requiring the Collector of the revenue to sequester the lands and collect the rents and revenues, and for this purpose to order the nearest Tehseeldar, or other officer employed under him in the business of the collections, to take charge of the lands.

Rule substituted in lieu of Section XXIV.

IX. *First.* The following rule is substituted in lieu of Section XXIV.

How lands forfeited under Section XXIII. are to be disposed of.

Second. If the decree adjudging the lands of the offender forfeited shall be confirmed or stand good, under Section XXIII., it shall be at the option of the Governor General in Council either to confer the rights which the offender possessed in the lands on his heirs, upon their agreeing to make good all sums whatever that may be due to Government from the defaulter on account of the lands forfeited, and to pay the fixed public revenue assessed upon them; or if it be a common or distinct putteedarry, the revenue payable from it to the principal proprietor or proprietors, or to the pottah-holder or pottah-holders in whose pottah the land may be included; or to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited, in Regulation XX. 1795.

Leases annulled under Section XXV., to stand cancelled from the end of the Fussily year.

X. Leases of farmers finally adjudged annulled under Section XXV. are to stand cancelled from the end of the Fussily year, agreeably to the principle prescribed by that section, in similar cases, in Bengal, Behar, and Orissa.

Collector to proceed against farmers whose leases may be annulled under Section XXV., and their sureties, for arrears, in the manner specified in Regulation VI. 1795.

XI. The Collector is to proceed against farmers whose leases may be annulled under Section XXV., and their sureties, for the recovery of any arrears that may be due from them, in the manner specified in Regulation VI. 1795, instead of Section XX., Regulation XIV. 1793, as directed in the first-mentioned section, for the recovery of balances due from farmers whose leases may be adjudged annulled, in consequence of their having resisted the process of the Collector or their sureties. The offender is permitted to prosecute in the Dewanny Adawlut, in the jurisdiction of which the farm may be situated, the

How the offender is to recover arrears which may be due to him.

Talookdars, Zemindars, Putteedars, distinct and common, under-farmers and Ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Languages and characters in which the process of the court is to be written and issued.

XII. All orders and other process of the provincial court of appeal for the division of Benares, are to be written and issued in the same characters and languages as the orders or other process of the provincial court of appeal for the division of Patna.

A. D. 1795. REGULATION X.

A REGULATION *for empowering the Sudder Dewanny Adawlut to receive and decide upon Appeals from Decisions of the Provincial Court of Appeal established in the Province of Benares; and for defining the Jurisdiction, Powers, and Authorities of the Sudder Dewanny Adawlut in that Province:* PASSED *by the Governor General in Council on the* 27*th March* 1795 (*corresponding with the* 16*th Chyte,* 1201 *Bengal era; the* 22*d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the* 22*d Chyte,* 1852 *Sumbut; and the* 5*th Ramzaan,* 1209 *Higeree*).

I. THE establishment of the city court, and the three zillah courts and a provincial court of appeal, in the province of Benares, with powers nearly similar to those vested in the city and zillah courts and the provincial courts of appeal in the three provinces of Bengal, Behar, and Orissa, rendering it necessary that the rules for receiving and deciding on appeals to the Sudder Dewanny Adawlut from the decisions of the provincial courts in those three provinces, with certain exceptions and alterations, should be extended to appeals to the Sudder Dewanny Adawlut from decisions passed by the provincial court of appeal established in the province of Benares, and that the Sudder Dewanny Adawlut should be vested with the same jurisdiction, powers, and authorities, in the province of Benares as in the provinces of Bengal, Behar, and Orissa, the following rules have been enacted.

Rules regarding appeals from the decisions of the provincial courts of appeal in the provinces, and the other matters specified in Regulation VI. 1793, extended to the province of Benares, with certain exceptions and alterations.

II. With the alterations and exceptions specified in the following sections, all the rules contained in Regulation VI. 1793, for receiving and deciding upon appeals from the decisions of the provincial courts of appeal, in the several divisions in the provinces of Bengal, Behar, and Orissa, are to be considered as the rules for receiving and deciding upon appeals to the Sudder Dewanny Adawlut from the decisions of the provincial court of appeal established in Benares, and the jurisdiction, powers, and authorities vested by that Regulation in the Sudder Dewanny Adawlut in the provinces of Bengal, Behar, and Orissa, are declared to extend to the province of Benares.

Section IX., and the Clause of Section X. herein specified, not to extend to Benares.

III. The rules contained in Section IX. and the following Clause in Section X., are declared not to extend to the province of Benares: *and in admitting such appeals, they are to observe the caution prescribed in Clause Second, Section IX., with regard to the trial or admission of the appeals therein alluded to after the limited period.*

IV. All decrees, orders, and process whatever of the Sudder Dewanny Adawlut in the province of Benares, are to be written in the same languages and characters as in the province of Behar.

All process of the Sudder Dewanny Adawlut in Benares to be written in the same languages and characters as in Behar.

V. The rules prescribed in Regulation VI. 1793 and this Regulation, respecting any Zemindar, Talookdar, or other proprietor of land or farmer of land, or other person in the zillahs, who may resist, or cause to be resisted, any process, rule, order, or decree of the Sudder Dewanny Adawlut, are to be considered as extending to any such person who may be guilty of the same offence in the jurisdiction of the city court.

Rules respecting resistance to the orders, or any process of the court in the zillahs, to be considered as applicable to the same offence committed in the jurisdiction of the city court.

VI. Where decrees of forfeiture may be ordered to be executed under Section XXIV., the court by which the decree is to be executed is to issue a precept, under the seal of the court and the signature of the Register, requiring the Collector of the Revenue to order the nearest Tehseeldar, or other officer employed under him in the business of the collections, to take charge of the lands.

What officer the court is to order to take charge of land adjudged forfeited under Section XXIV.

VII. *First.* The following rule is substituted in lieu of Section XXV.

Second. If the decree adjudging the lands of the offender forfeited shall be confirmed or stand good under Section XXIV., it shall be at the option of the Governor General in Council, either to confer the rights which the offender possessed in the lands on his heirs, upon their agreeing to make good all sums whatever that may be due from him to Government on account of the lands forfeited, and to pay the fixed public revenue assessed upon them, or if it be a common or distinct putteedarry, the revenue payable from it to the principal proprietor or proprietors, or to the pottah-holder or pottah-holders in whose pottah the lands may be included; or to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited, in Regulation XX. 1795.

Rule substituted in the room of Section XXV.

How lands forfeited under Section XXIV. are to be disposed of.

VIII. Leases of farmers finally adjudged annulled under Section XXVI., are to stand cancelled from the end of the Fussily year, agreeably to the principle prescribed by that section in similar cases, in Bengal, Behar, and Orissa.

Leases of farmers annulled under Section XXVI. to stand cancelled from the end of the Fussily year.

IX. The Collector is to proceed against farmers whose leases may be annulled under Section XXVI., and their sureties, for the recovery of any arrears that may be due from them, in the manner specified in Regulation VI. 1795, instead of Section XX., Regulation XIV. 1793, as directed in the first-mentioned section, for the recovery of balances due from farmers whose leases may be adjudged annulled for resistance to the process of the Collector or their sureties. The offender is permitted to prosecute in the Dewanny Adawlut in the jurisdiction of which the farm may be situated, the Zemindars, Talookdars, Putteedars, distinct or common, under-farmers, and Ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Collector to proceed against farmers whose leases may be annulled under Section XXVI., and their sureties, for arrears, in the manner specified in Regulation VI. 1795.

How the offender is to recover arrears due to him in the farm.

X. The court of Sudder Dewanny Adawlut is vested with a discretionary power, similar to that formerly exercised by the Resident, as Judge of the court of appeal which existed in the province of Benares previous to the abolition of the residency, of dispensing with that part of Section VIII. Regulation VII. 1795,

Power vested in the Sudder Dewanny Adawlut to order claims to be tried, although they shall have originated more than twelve years previous to any suit being commenced on account of them.

which prohibits the courts from taking cognizance of any claims, where the cause of action shall have arisen twelve years before any suit shall have been commenced on account of it, and to issue a precept to the proper court to take cognizance of the suit. The court are to record their reasons for every exercise of this power.

A.D. 1795. REGULATION XI.

A REGULATION *for extending, with Modifications, to the Province of Benares, Regulation XII.* 1793, *entitled* " A Regulation for the Appointment of the " Hindoo and Mahomedan Law Officers of the Civil and Criminal Courts of " Judicature," *and for appointing a Pundit or Pundits to the Provincial Court of Circuit for the Division of Benares, to expound the Hindoo Law in certain Cases cognizable by that Court:* PASSED *by the Governor General in Council on the 27th March* 1795 *(corresponding with the 16th Chyte,* 1201 *Bengal era; the 22d Chyte,* 1202 *Fussily; the 16th Chyte,* 1202 *Willaity; the 22d Chyte,* 1852 *Sumbut; and the 5th Ramzaan,* 1209 *Higeree).*

I. THE Governor General in Council having deemed it advisable, on grounds similar to those stated in the preamble to Regulation XII. 1793, for the appointment of the Hindoo and Mahomedan law officers of the civil and criminal courts of judicature in the provinces of Bengal, Behar, and Orissa, to extend the rules in that Regulation to the law officers attached to the courts in the province of Benares; and it being necessary that a Pundit or Pundits should be appointed to the court of circuit for that province, to assist the court in passing sentence in cases of dherna, and certain other matters, in the trial of which the established custom of the province, and the Regulations founded on it, require that reference should be made to the laws of the Shaster, the following rules have been enacted.

Regulation XII. 1793 extended to the province of Benares.

II. Regulation XII. 1793 is hereby extended to the province of Benares.

Pundits of the provincial court of appeal to officiate as Pundits to the court of circuit.

III. The Pundit or Pundits of the provincial court of appeal shall be Pundit or Pundits to the court of circuit for the division of Benares, and shall be subject to the same rules and regulations in the latter as in the former capacity.

A.D. 1795. REGULATION XII.

A REGULATION *for extending to the Province of Benares Regulation XIII.* 1793, *entitled* " A Regulation for the Appointment of the ministerial " Officers of the Civil and Criminal Courts of Judicature, and prescribing " their respective Duties;" PASSED *by the Governor General in Council on the 27th March* 1795 *(corresponding with the 16th Chyte,* 1201 *Bengal era; the 22d Chyte,* 1202 *Fussily; the 16th Chyte,* 1202 *Willaity; the 22d Chyte,* 1852 *Sumbut; and the 5th Ramzaan,* 1209 *Higeree).*

I. THE rules contained in Regulation XIII. 1793, for the appointment of the ministerial officers of the provincial courts of appeal and the courts of circuit, and the city and zillah courts, in the provinces of Bengal, Behar, and Orissa, and for regulating their respective duties, including also provisions for receiving and trying any charges of corruption or extortion that may be preferred against them or any private servants or dependents of the Judges of the courts, being equally applicable to the officers and persons of the same descriptions in the province of Benares, the following rule has been enacted:

II. Regulation XIII. 1793 is hereby extended to the province of Benares. Regulation XIII. 1793, extended to Benares.

A.D. 1795. REGULATION XIII.

A REGULATION *for extending to the Province of Benares Regulation VII.* 1793, *entitled* " A Regulation for the Appointment of Vakeels or native Pleaders, " in the Courts of Civil Judicature in the Provinces of Bengal, Behar, and " Orissa," *with an Alteration, exempting the Rajah of Benares and the Baboos of his Family, and certain Bankers, when Plaintiffs or Defendants, from giving the Security for the payment of the Fees of the Vakeels required from other Plaintiffs and Defendants:* PASSED *by the Governor General in Council on the 27th March* 1795 *(corresponding with the 16th Chyte,* 1201 *Bengal era; the 22d Chyte,* 1202 *Fussily; the 16th Chyte,* 1202 *Willaity; the 22d Chyte,* 1852 *Sumbut; and the 5th Ramzaan,* 1209 *Higeree).*

I. THE reasons assigned in the preamble to Regulation VII. 1793, for the appointment of authorized pleaders to plead the causes of suitors in the courts of civil judicature, in the provinces of Bengal, Behar, and Orissa, being equally applicable to the province of Benares; and it having been deemed advisable to exempt the Rajah of Benares and the Baboos of his family, and certain bankers, when plaintiffs or defendants, from giving the security required by that Regulation from plaintiffs or defendants for the payment of the fees of the Vakeels, on grounds similar to those stated in the preamble to Regulation VIII. 1795, for exempting them when defendants from giving the security or bail required from other defendants; the following rule has been enacted.

II. Regulation VII. 1793 is hereby extended to the province of Benares; Regulation VII. 1793 extended to

with

Benares, with an alteration.

with this alteration, that the security directed by Section IX. of that Regulation to be taken from plaintiffs and defendants, shall not be required from the Rajah of Benares, and from the Baboos and bankers described in Section X., Regulation VIII. 1795, when plaintiffs or defendants in any suit preferred against them in the city court or the zillah courts, or in any suit which the Governor General in Council may order to be tried in the first instance in the provincial court of appeal or in the Sudder Dewanny Adawlut, or which the Sudder Dewanny Adawlut may order to be tried in the first instance in the provincial court of appeal.

A.D. 1795. REGULATION XIV.

A REGULATION *for extending to the Province of Benares Regulation XLIX.* 1793, *entitled* " A Regulation for preventing Affrays respecting disputed " Boundaries," *and for applying the Rules in that Regulation to Disputes regarding Tanks or Reservoirs, Wells and Water-courses, in the Province of Benares:* PASSED *by the Governor General in Council on the 27th March* 1795 (*corresponding with the* 16*th Chyte,* 1201 *Bengal era; the* 22*d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the* 22*d Chyte,* 1852 *Sumbut; and the 5th Ramzaan,* 1209 *Higeree*).

I. ON grounds similar to those stated in the preamble to Regulation XLIX. 1793, for preventing affrays respecting disputed boundaries in the provinces of Bengal, Behar, and Orissa, and for obviating similar contests in the province of Benares, respecting tanks or reservoirs, wells or water-courses, the following rules have been enacted.

Regulation XLIX. 1793, extended to Benares.

Rules in that Regulation extended to the further cases herein specified.

II. The rules contained in Regulation XLIX. 1793 are hereby extended to the province of Benares, and also to all disputes in that province between Zemindars, Talookdars, Putteedars, whether distinct or common, or other proprietors of land, or under-farmers or Ryots, or other persons, in the jurisdiction of the city court or either of the zillah courts, regarding tanks or reservoirs, wells or water-courses.

A.D. 1795. REGULATION XV.

A REGULATION *for extending to the Province of Benares Regulation XVI.* 1793, *entitled* " A Regulation for referring Suits to Arbitration, and submitting " certain Cases to the Decision of the Nazim," *with the Exception of Section X.; and for referring certain Cases to the Decision of the Rajah of Benares:* PASSED *by the Governor General in Council on the 27th March* 1795 (*corresponding with the* 16*th Chyte,* 1201 *Bengal era; the* 22*d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the* 22*d Chyte,* 1852 *Sumbut; and the 5th Ramzaan,* 1209 *Higeree*).

I. PREVIOUS to the establishment of courts of justice in the province of Benares, individuals in general were under the necessity of having recourse to arbitration, for the adjustment of the differences occasionally arising between them in respect to matters of property; and the same mode of adjustment has since been prevalent in the province, the parties in suits before the courts often agreeing to submit to the award of a certain number of their neighbours or other persons, and the award, when confirmed by the court, becoming a decree of the court. The Governor General in Council being desirous to promote the reference of disputes of certain descriptions to arbitration, and having deemed it proper to submit certain cases to the decision of the Rajah, the following rules have been enacted.

Regulation XVI. 1793, with the exception of Section X., extended to Benares.

II. Regulation XVI. 1793, with the exception of Section X., is hereby extended to the province of Benares.

Cases to be referred to the Rajah:

III. *First.* In the event of any complaints being preferred to the city court or to any zillah court, or to the provincial court of appeal, relative to undue exactions of revenue, or any breach of agreement in respect to pottahs, or the resumption of kishnarpun, or other description of lands exempted from the payment of revenue, in the jaghire mehauls of Budhooe or of Kera Mungrore, or in the Rajah's hereditary zemindarry of Gungapore, the complaints are not to be taken cognizance of in the courts of justice, but the parties are to be desired to make application to the Rajah or to his Dewan; and in case of their not obtaining justice, they are to have recourse to the Collector, who will proceed to bring such causes to a just and equitable termination, in the manner stated in the under-specified article of an agreement concluded by the Resident with Rajah Mahipnarain, under date the 27th of October 1794. An option, however, is reserved to the persons deeming themselves injured, to prefer their applications for redress in the first instance to the Collector, who in all cases, by reference to and communication with the Rajah and his officers, is to cause substantial justice to be rendered to the parties.

Article of agreement.

Second. Article Third of an agreement concluded by the Resident at Benares with Rajah Mahipnarain, under date the 27th October 1794. "*In case of complaints relative to revenue causes or charity ground, &c. being preferred to the huzoor* (i. e. *the English Government) by any parties residing within the jaghire and ultumgah, &c. the personal or private lands of Rajah Mahipnarain Sing, the inquiry thereinto shall be made in like manner as such cases were amicably conducted between Mr. Duncan and the Rajah; that is, that since the gentleman holding the station of Collector will have more concern and connection with such matters than the other gentlemen, the rule shall be, that with the privity and ascertainment of the said Collector (who is to have regard to the honour and dignity of the said Rajah), such causes are to be settled through the channel of the said Rajah, or of the officers of the said Rajah's cutcherry; it being at the same time understood and provided, that as it is a duty incumbent on the Honourable Company's Government to distribute and ensure the attainment of justice to all the inhabitants of Benares, should it so happen, that after referring such complaints to the Rajah or to his officers in the cutcherry, the contentment of the parties complaining and aggrieved shall not be obtained, the Rajah shall, relative to the adjustment of such causes, listen to and approve of the suggestions and advice of the Collector, in like manner as hath been practised in the time of Mr. Duncan; and it is also incumbent on the said Collector, in all proper and just cases, to show the utmost attention* *"possible to the Rajah's accommodation, and to hold in view the maintenance of "his honour and dignity, such being entirely consistent with the wishes of Government; and if (which God forbid) any such subject should arise as cannot "be settled between the said Collector and the Rajah aforesaid, the decision in "such case shall depend on the Governor General in Council."*

A.D. 1795. REGULATION XVI.

A REGULATION *for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors in the Province of Benares; for enabling one of the Judges, in his Capacity of Judge of the Provincial Court of Appeal, to transact certain Parts of the Business of that Court, whilst the other two Judges, as Judges of Circuit, are making the Circuits; and for providing against the Absence or Indisposition of any of the Judges or their Law Officers, and against Vacancies in the judicial or law Appointments:* PASSED *by the Governor General in Council on the 27th March* 1795 *(corresponding with the* 16*th Chyte,* 1201 *Bengal era; the* 22*d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the* 22*d Chyte,* 1852 *Sumbut; and the* 5*th Ramzaan,* 1209 *Higeree).*

I. IN the year 1781, a court of justice vested with criminal jurisdiction was established for the city of Benares; and in the year 1788, courts with similar powers were erected in the towns of Ghazeepoor, Juanpoor, and Mirzapoor. The Governor General in Council vested the Resident at Benares with authority to superintend, revise, and sanction the proceedings of these courts, and those of the Moolky Foujdarry Adawlut, or general criminal court established for the province, exclusive of the city and towns above-mentioned, as specified in Regulation XXII. 1795. The Resident was likewise authorized to exercise the powers of Magistrate throughout the province, with authority to apprehend offenders and to commit them to the criminal courts for trial. The Governor General in Council having deemed it advisable to appoint British Magistrates to keep the peace of the province and to establish a court of circuit for the trial of offenders, constituted on principles similar to the courts of circuit erected in the provinces of Bengal, Behar, and Orissa, and it being necessary that provisions should be made for the transaction of certain parts of the business of the provincial court of appeal whilst the Judges of circuit are making the periodical gaol deliveries, and also for the absence or indisposition of any of the Judges or their law officers, or vacancies in the judicial or law appointments, the following rules have been enacted.

Judges of the city and zillah courts to be Magistrates.

Oath to be taken by the Magistrates.

II. The Judges of the courts of Dewanny Adawlut established in the city of Benares, and the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor, are vested with the powers of Magistrate. Previous to entering upon the execution of the duties of the office, they shall take and subscribe the oath prescribed for the Magistrates of the cities and zillahs in the provinces of Bengal, Behar, and Orissa, in Section II., Regulation IX. 1793.

Special jurisdiction of the Magistrates.

III. The special jurisdiction of each Magistrate shall extend throughout the limits of his civil jurisdiction.

IV. *First.* The powers vested in the Magistrates of the cities and zillahs in the provinces of Bengal, Behar, and Orissa, in the several sections of Regulation IX. 1793, from Section IV. to Section XXX., are hereby vested in the Magistrates of the city of Benares, and the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor, and all the rules contained in those sections are to be considered to extend to the province of Benares, with the following additions and modifications.

Rules in Regulation IX. 1793, from Section IV. to Section XXX, extended to Benares.

Second. Setting fire to any house or village is declared to be an offence not bailable.

Setting fire to any house or village not a bailable offence.

Third. The Magistrate of the city of Benares is to observe the rules prescribed to the Magistrates of the cities of Patna, Dacca, and Moorshedabad, in Sections XIII. and XXX.

Magistrate of Benares to observe the rules prescribed to the city Magistrates in the other provinces, in Sections XIII. and XXX.

Fourth. The Magistrates are to accompany all papers written in the Hindostanee language and Nageree character, or the Bengal language, with a translate in Persian, in the same manner as is directed with regard to papers in the Bengal language, in the other three provinces, in Section XVI., and the translate is in like mannner to be compared with the originals by the officers of the court of circuit.

Papers in the Bengal or Hindostanee language to be accompanied with translates in the Persian language, which are to be compared by the officers of the court of circuit.

Fifth. All complaints or charges, with the orders respecting them, are to be recorded in the office of the Magistrate, in the English and Persian languages.

Complaints and orders upon them to be recorded in the English and Persian languages.

Sixth. The reward which the Magistrates are empowered to offer by Section XXIV. is to be considered to extend to all robbers, and persons concerned in any daka, or night or day attack on any house or village, and in robbing or setting fire to, or attempting to rob or set fire to, such house or village.

Reward in Section XXIV. to be given for robbers and Decoits herein described.

V. For the trial of persons charged with crimes or misdemeanors, a court of circuit shall be established in the province of Benares, to be denominated, "the Court of Circuit for the Division of Benares."

Court of circuit established in the province of Benares for the trial of crimes and misdemeanors.

VI. The jurisdiction of the court of circuit shall extend over the city of Benares, and the places adjacent subject to the jurisdiction of the city court, and over the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor.

Jurisdiction of the court.

VII. The Judges of the court of circuit, previous to entering on the execution of the duties of their office, are to take and subscribe an oath similar to that prescribed to the Judges of circuit in the provinces of Bengal, Behar, and Orissa, in Section XXXIV., Regulation IX. 1793.

Oath to be taken and subscribed by the Judges of circuit.

VIII. The Register and Assistants to the Register to the provincial court of appeal, are to be Register and Assistants to the Register to the court of circuit. Previous to entering upon the execution of the duties of their office, they are to take and subscribe before the court of circuit an oath similar to that prescribed to the Registers and Assistants to the Registers to the courts of circuit, in the provinces of Bengal, Behar, and Orissa, in Section XXXV., Regulation IX. 1793.

Register and Assistants to the Register of the provincial court of appeal to be Register and Assistants to the Register to the court of circuit.

IX. The Cauzy and the Mufty, or other law officers of the provincial court of appeal, shall be the Cauzy and the Mufty, or law officers, to the court of circuit; and shall not be removable, excepting on proof, to the satisfaction of the Governor General in Council, that they are incapable, or have been guilty

Law officers to the provincial court of appeal to be law officers of the court of circuit.

of misconduct in the performance of their public duty, or of any act of flagrant profligacy in their private conduct.

Oaths to be taken by the Mahomedan law officers.

X. The Mahomedan law officers of the court of circuit are to take oaths similar to those prescribed for the Mahomedan law officers of the courts of circuit, in the several divisions in the provinces of Bengal, Behar, and Orissa, in Sections XXXVII. and XXXVIII., Regulation IX. 1793.

Declaration to be subscribed by the Pundit or Pundits.

XI. The Pundit or Pundits to the court of circuit, appointed under Section III., Regulation XI. 1795, shall make and subscribe the declaration prescribed to him or them as Pundit or Pundits to the provincial court of appeal in Section VII., Regulation XII. 1793, extended to the province of Benares by Regulation XI. 1795.

Native officers of the court of appeal to officiate occasionally as officers of the court of circuit, and *vice versâ*, as may be necessary.

XII. The Judges of the provincial court of appeal and the court of circuit are to cause the Serishtadar, and the other native officers of the provincial court, to officiate as Serishtadar and officers to the court of circuit, or *vice versâ*, as the state of the business may require.

Two gaol deliveries to be made annually in each zillah.

Judges to proceed to the stations of the Magistrates for that purpose, on the 1st of April and the 1st November annually,

and to remain there until the business of the sessions is completed.

XIII. There shall be two general gaol deliveries annually in the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor, for which purpose two of the Judges shall make two circuits in each year, setting out on the first circuit on the first of April, and on the second on the first of November. The Judges shall proceed to the places of residence of the Magistrates in each zillah, as directed in Sections XIV. and XVI.; and unless it be found indispensably necessary, from the non-attendance of any material evidence or other sufficient cause, to postpone any trial until a future session, shall remain at each station until all persons committed or held to bail for trial by the Magistrate shall have been tried, and (in matters in which sentence is directed to be passed by the Judges) sentence shall have been passed upon them, or (in cases in which the Judges are not authorized to pass sentence) the trial shall have been referred to the Nizamut Adawlut.

Two courts to be formed, to make the two general gaol deliveries in the zillahs.

The Register or his Assistant, and one of the Mahomedan law officers, to accompany each court.

Pundits when to attend on the circuit.

Court may order the Register or his Assistants to remain at the sudder station.

XIV. To expedite the two general gaol deliveries in the zillahs, two courts are to be formed. Each court is to be superintended by one of the Judges of circuit. The Register and one of the Mahomedan law officers are to accompany one court, and one of the Assistants to the Register and the other Mahomedan law officer the other court. The Pundit or Pundits shall proceed occasionally on the circuits, or be sent for by the courts, in case his or their opinion shall be necessary, as in trials for dherna under Regulation XXI. 1795. The court of circuit, however, are empowered, whenever it may appear to them advisable, to order their Registers and their Assistants to remain at the sudder station during the circuits, for the purpose of translating the records of the trials which may be referable to the Nizamut Adawlut, or for the performance of any other official duty.

The *remaining Judge to continue at the sudder station.*

Duties to be performed by him.

XV. *First.* The remaining Judge of the court of circuit is to continue at the sudder station, and is to perform the duty prescribed to the Judge remaining at the sudder station in the divisions in the provinces of Bengal, Behar, and Orissa, by Section XII., Regulation VII. 1794, the rules in which are accordingly to be considered to extend to the province of Benares.

Judges to remain at the sudder station in rotation.

Second. The Judges are to remain at the sudder station in rotation.

Stations to which the courts are to proceed.

XVI. The courts formed as directed in Section XIV. are to proceed to the under-mentioned stations:

One court: Juanpoor and Ghazeepoor.

One court: Mirzapoor.

The same Judge and law officers not to make two circuits successively to the same station.

XVII. The two courts are to proceed alternately to the stations specified in Section XVI., so that the same Judge and Mahomedan law officer, and Hindoo law officer (when there may be two pundits attached to the court of circuit) of the division, may never make two circuits successively to the same station. The Nizamut Adawlut, however, is empowered to dispense occasionally with the rule contained in this Section, and also with the rule in Clause Second, Section XV., in any special cases in which it may appear to them necessary.

Nizamut Adawlut may dispense with the rule in this section, and in Clause Second, Section XV.

Sections VII., and VIII., Regulation VII. 1794, extended to Benares.

XVIII. The rules contained in Sections VII. and VIII., Regulation VII. 1794, are hereby extended to the province of Benares, the Judges proceeding to the prescribed stations, as directed in Section XVI. of this Regulation, instead of Section V., Regulation VII. 1794.

Courts to repair to the sudder station after completing the gaol deliveries in the zillahs.

By whom and when the gaol deliveries are to be made at the sudder station.

XIX. Each court, when it shall have completed the gaol deliveries in the zillah or zillahs to which it is directed to proceed, shall return without delay to the sudder station of Benares. The Judge who may first return from the circuit, immediately on his arrival is to try all persons committed or held to bail to take their trial by the Magistrate of the city of Benares: and on the first of the month next but one after the month in which one of the courts may return to Benares, and upon the first of every succeeding month until the courts proceed again on the circuits, a court of general gaol delivery is to be held for the said city and the adjacent places included in the jurisdiction of the Magistrate, and the court is to continue to sit until the business of the session be completed. Agreeably to the above rule, if the court which shall first return to the sudder station shall arrive there on the 15th of January, the Judge is to try all persons committed or held to bail to take their trial as above directed, and the next gaol delivery is to be held on the first of March, and on the first of every succeeding month, until the courts proceed again on the circuit. But when the first of the month shall fall on Sunday, the court of monthly gaol delivery shall not be opened until the Monday following, nor shall any of the courts of circuit sit on Sunday, on any occasion whatever.

Judges to hold the court of monthly gaol delivery at Benares.

XX. The court of monthly gaol delivery directed to be held at Benares in the preceding section, is to be held before one of the Judges, who are to hold the session in rotation, that the other two Judges may at the same time hold a court of appeal.

Sections XIII. and XIV., Regulation VII. 1794, extended to Benares, and the latter section to be applied to the Hindoo law officers.

XXI. The rules contained in Section XIII. and XIV., Regulation VII. 1794, are declared to extend to Benares, and the rules in the latter section are to be applied to the Pundit or Pundits.

Rules in Regulation IX. 1793, from Section XLVII. to the conclusion, extended to Benares, with the alterations and modifications specified in the following sections.

XXII. The power vested in the courts of circuit, in the several divisions in the provinces of Bengal, Behar, and Orissa, by the several sections of Regulation IX. 1793, from Section XLVII. to the conclusion of the said Regulation, are hereby vested in the court of circuit for the division of Benares, and the powers exercised by the Nizamut Adawlut, under the rules contained in those Sections, in the several divisions in the provinces of Bengal, Behar, and Orissa, are hereby declared to extend to the province of Benares, and all the rules contained in the sections referred to in this section are accordingly declared to extend to Benares, with the alterations and modifications contained in the following sections.

No Brahmin to suffer capital punishment.

XXIII. No Brahmin shall be punished with death. In cases in which a Brahmin shall be declared by the law liable to suffer death, he shall, in lieu of such punishment, be subject to be sentenced by the Nizamut Adawlut to transportation. The court of circuit is not to pass sentence in any such trials, but is to forward them to the Nizamut Adawlut for their final sentence.

Rules adopted in the room of Section LXII.
Judges to visit the gaols

XXIV. *First.* The following rule is adopted in the room of Section LXII.
Second. The Judges of circuit are to visit the gaols on every circuit, and one or more of the Judges shall visit the gaol in the city of Benares once in every three months, or oftener if thought proper, and they are to issue to the Magistrates such orders as may appear to them advisable for the better treatment and accommodation or security of the prisoners.

A.D. 1795. REGULATION XVII.

A REGULATION *for the Establishment of an efficient Police in the Province of Benares:* PASSED *by the Governor General in Council on the 27th March* 1795 *(corresponding with the* 16*th Chyte,* 1201 *Bengal era; the 22d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the 22d Chyte,* 1852 *Sumbut; and the 5th Ramzaan,* 1209 *Higeree).*

I. THE establishment of an efficient police in the province of Benares, being as essential towards deterring people from committing crimes as the speedy and impartial trial of offenders when apprehended, a clause was inserted in the engagements entered into by the landholders and farmers with Government, rendering them responsible, subordinately to the Tehseeldars (heretofore termed Aumils), for maintaining the peace, and for apprehending all disturbers of it in their respective estates or farms, and binding them not to harbour thieves or robbers, but to secure their persons and deliver them up for trial, as well as to recover, or in failure thereof to make good the value of, all property robbed or stolen within their several boundaries. And, in like manner, as each proprietor or farmer entered into such engagements as far as regarded the limits of his own estate or farm, so each Tehseeldar executed similar engagements with Government for the entire pergunnah or other division, with the charge of the police and the collection of the revenue of which he was entrusted; containing, however, a provision entitling him to have recourse, for his own indemnification, to the landholder or farmer within whose limits a loss by theft or robbery might occur. But the parties thus made responsible having represented, that robberies and thefts committed on Beoparries and others were often perpetrated in consequence of their stopping and remaining during the night, with their cattle and goods, in the open fields or woods, instead of putting up in the villages and giving notice of their arrival, so as to admit of their security being duly attended to, it was provided by a general notification issued by the Resident on the 29th of January 1789, that no person should be entitled to restitution or indemnification by the Aumils, landholders, or farmers, for losses by theft or robbery committed at night in the open fields or woods, and that restitution or indemnification should be claimable only in cases in which the owners of the property had put up at some town or village, and given notice of their arrival. But it having been subsequently considered, that it was the duty of the Aumils and the landholders and farmers, to have information conveyed to them of the arrival of merchants and travellers within their respective limits, and to provide for their security and protection, and it having appeared improbable that travellers and merchants in general would be apprized of the requisition for their giving notice of their arrival at a town or village, it was deemed inconsistent with the principles of justice, that any omission in this respect, on their part, should be allowed to exempt the Aumils, landholders, or farmers, from making good any losses they might sustain by theft or robbery. It accordingly became an established principle throughout the province, that for night robberies in the open roads or woods, the Tehseeldars, landholders, and farmers, were not to be held responsible, unless it should be proved that they had such knowledge of the circumstances as might reasonably have been expected to have enabled them to have prevented the theft or robbery; but that for thefts or robberies committed in inhabited places they were liable to be made responsible, whether notice of the arrival of the parties should have been given to them or not, if, under circumstances of the case, the Magistrate should be of opinion that the perpetration of the theft or robbery was committed with their connivance, or was ascribable to their want of due care and vigilance. In conformity to the above principles, and for the establishment of an efficient police in the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor, the following rules have been enacted.

Police to be under the joint charge of the Tehseeldars and of the landholders and farmers.

II. The police of the country, subject to the control of the Magistrates, is to be considered under the joint charge of the Tehseeldars, and subordinately to them, of the landholders and farmers of land, who are bound to and responsible for the preservation of the peace. The guard of the Deccan road to Mirzapore is entrusted to certain persons paid from the custom-house establishment, who are responsible for all losses by theft or robbery committed within their limits, according to the engagements which they have executed.

Tehseeldars, landholders, and farmers, to be held responsible for robberies, in the cases herein specified.

III. Tehseeldars, landholders, and farmers of land, are in future to be considered responsible for robberies or thefts committed in their respective limits, estates, or farms, the Tehseeldar in the first instance, and the landholders and farmers to the Tehseeldar, in the manner specified in Clause Eighth, Sections XIV. and XV., Regulation II. 1795; it being understood, however, that for night robberies in the open roads or woods, the Tehseeldars, landholders, or farmers, are not to be held responsible, unless it shall be proved that they had such knowledge of the circumstances as might reasonably have been expected to have enabled them to have prevented the theft or robbery; but that for thefts or robberies in inhabited places they are to be considered as liable to be made responsible, whether notice of the arrival of the owners of the property shall have been given to them or not, if, under the circumstances of the case, the Magistrate shall be of opinion that the theft or robbery was committed with their connivance, or that the perpetration of it was ascribable to their want of care or vigilance.

Police jurisdictions.

Their extent.

To be guided by the Tehseeldars, landholders, and farmers.

IV. The limits of each Tehseeldar, including the rent-free lands, are to be considered as constituting a police jurisdiction. The guarding of each jurisdiction is to be committed generally to the Tehseeldar, and to the landholders and farmers, for their respective limits.

Jurisdictions to be numbered, and how to be named.

Names and numbers not to be changed without the sanction of Government.

V. The police jurisdictions are to be numbered, and to be named after the places at which the Tehseeldars and their establishments may be stationed. The Magistrates are not to change the names or numbers of the jurisdictions, nor to alter the limits of them, without the sanction of the Governor General in Council.

Tehseeldars, as police officers, not to be removed but for incapacity or misconduct, proved to the satisfaction of Government.

VI. Whenever the Magistrates shall deem any Tehseeldar disqualified for his station, either from incapacity, misconduct, or other cause, they are immediately to report the grounds of their opinion to the Governor General in Council, who will determine whether he shall be removed or continued in his office.

What charges are to be received by the Tehseeldars.

Party accused how to be disposed of when apprehended.

VII. Any person having a charge to prefer against another, for murder, robbery, house-breaking, theft, or other crime, or any misdemeanor, and who shall not choose to lodge it immediately before the Magistrate, shall be at liberty to prefer it in writing to the Tehseeldar of the jurisdiction in which the crime or misdemeanor may have been committed, or if the offender shall have removed himself out of that jurisdiction, to the Tehseeldar of the jurisdiction in which he may be found. The Tehseeldar of such jurisdiction shall forthwith cause the party accused to be apprehended. If the charge shall be for murder, robbery, house-breaking, theft, or other heinous crime, the Tehseeldar shall send the accused to the Magistrate, under safe custody, within twenty-four hours after he shall have apprehended him. If the charge shall be for any crime or misdemeanor upon which the Magistrates are authorized to pass sentence, the Tehseeldar shall take sufficient security from the person accused to appear on a specific day before the Magistrate, and then release him. If he shall refuse or be unable to give good security, the Tehseeldar shall send him, under safe custody, to the Magistrate, within twenty-four hours after he shall have apprehended him. When the party accused shall appear before the Magistrate, he shall proceed against him in the same manner as if he had been apprehended under his own warrant.

Tehseeldar not to take any person into custody without a written charge, nor without issuing a writ for his apprehension, except in the cases herein authorized.

VIII. The Tehseeldars are authorized to apprehend without a written charge, or issuing a dustuck or writ, persons found in the act of committing a breach of the peace, or against whom a general hue and cry shall have been raised, or who shall be detected with stolen goods in their possession, and also the several descriptions of persons specified in Section X. In every other case, the Tehseeldars are prohibited apprehending any person without a charge preferred against him in writing, under the seal or signature of the complainant.

Tehseeldars to take security from prosecutors and witnesses to appear before the Magistrate at the same time as the party accused.

IX. The Tehseeldars, in all cases whatsoever, are to take security from the prosecutor and his witnesses to appear before the Magistrate on a specific day, which shall be the day whereon the party accused may be bound to appear, if security shall have been taken from him for that purpose, or on the day on which he may be expected to arrive at the Magistrate's place of residence, if he is to be forwarded thither under custody.

Tehseeldars to apprehend and send to the Magistrate notorious robbers, vagrants, and suspected persons.

X. The Tehseeldar, upon receiving information of any notorious robbers harbouring within his jurisdiction, shall apprehend them, and forward them under safe custody to the Magistrate. He shall likewise apprehend and send to the Magistrate all Geedur mars, Malachees, Syr-bejuahs, or other descriptions of vagrants or suspected persons, who may be lurking about his jurisdiction, without any ostensible means of subsistence, or who cannot give a satisfactory account of themselves. The Magistrate shall examine on oath such vagrants or suspected persons, and also any persons who may have a knowledge of their usual place of residence, occupation, or mode of obtaining their livelihood; and if there shall appear to him grounds for supposing that they are disorderly or ill-disposed people, he shall employ them in repairing the public roads, or upon any other public work, until they find security for their good behaviour in case of their being discharged, or until some creditable persons shall agree to entertain them in their service, or the Magistrate shall be satisfied, from their deportment whilst in his custody or other circumstances, that they will of themselves take to some service or employment, so as to obtain an honest livelihood, in either of which cases the Magistrate shall discharge them. If any person so apprehended shall make his escape from the custody of the Magistrate before he is regularly discharged, and shall be re-apprehended, he shall be imprisoned and kept to hard labour for six months.

Magistrate how to proceed with vagrants and suspected persons.

Punishment for vagrants or suspected persons escaping from the custody of the Magistrate.

Further definition of the duties of the Tehseeldars, with regard to persons charged with crimes or misdemeanors.

XI. It is to be understood that the duty of the Tehseeldar, with regard to persons charged with crimes or misdemeanors, is to be confined to apprehending and sending them under safe custody to the Magistrate, or taking security for their appearance before him. He is not to discharge the parties accused after they are once apprehended (except in the cases mentioned in Section VII., in which he is expressly authorized to release them upon security, or upon the parties delivering in a razenamah in the case specified in Section XII.); nor to inquire into or pass sentence upon any complaint, or impose any fine, or make any exaction, or inflict any punishment, on the prosecutors or the accused, or their respective witnesses, or any persons whomsoever.

Tehseeldars authorized to release the defendant in certain cases, upon which the Magistrate is empowered to decide, provided both parties agree in writing to withdraw the prosecution.

XII. In complaints for petty assaults, and in the other cases described in Section VIII., Regulation IX., 1793, on which the Magistrates are empowered to pass sentence, the Tehseeldars are permitted to discharge the defendant, provided the complainant shall deliver a razenamah or writing desiring to withdraw his complaint, and the defendant shall also give a razenamah or writing agreeing to the complaint being withdrawn. These razenamahs are to be attested by two creditable witnesses, and are to be transmitted to the Magistrate by the Darogah with his monthly report. If the parties shall not deliver in such razenamahs, the case is to be brought before the Magistrate. To prevent any misconstruction of the authority vested in the Tehseeldars by this section, it is expressly declared not to extend to the cases of petty thefts, on which the Magistrates are empowered to decide by Section IX., Regulation IX. 1793.

This authority not to extend to petty thefts.

Village watchmen to be subject to the authority of the Tehseeldar,

XIII. All Ghorites (as far and in such places as they are employed as police watchmen), and all Pykes, Chokeydars, Paushauns, Dusauds, Pehroos, Passees, and their names to be registered by him.

Negabans, Harees, and other descriptions of village watchmen, are declared subject to the orders of the Tehseeldar in his capacity of chief local officer of the police. He shall keep a register of their names, and upon the death or removal of any of them, the landholders or others to whom the filling up of the vacancies may belong, shall send the names of the persons whom they may appoint to the Tehseeldar of the jurisdiction, that they may be registered by them as above directed.

Duties to be performed by the village watchmen.

XIV. The Ghorites, Pykes, Pausbauns, and other village watchmen, mentioned in Section XIII., shall apprehend and send to the Darogah any persons who may be taken in the act of committing murder, robbery, house-breaking, or theft, or against whom a hue and cry shall have been raised. It shall be their special duty, also, to convey to the Tehseeldar of the jurisdiction immediate intelligence of any robbers who may have concealed themselves in their respective villages or the country adjacent, and also of any vagrants, or other persons, who may be lurking about the country without any ostensible means of subsistence, or who cannot give a satisfactory account of themselves. Such Ghorites, and all Pykes, Pausbauns, or other village watchmen, who shall not act in conformity to this section, shall be dismissed from their stations by the landholders, or other persons by whom they may be employed, upon the requisition of the Magistrate, and shall be further punished as the law may direct, should it be proved that they assisted in harbouring or concealing any of the above-mentioned descriptions of offenders or suspected persons, or connived in any respect at their malpractices.

A concurrent jurisdiction vested in the Magistrates and the police officers of the city and zillahs, in respect to each other's local limits, and with those in Behar, in particular cases and under certain restrictions.

XV. A concurrent jurisdiction is vested in the Magistrates of the city of Benares, and the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor, and the Magistrates in the province of Behar, and their respective police officers, in the cases, and under the restrictions following, *viz.* the Tehseeldars, Darogahs, and police officers, subject to the authority of the city and zillah Magistrates in the province of Benares, are severally empowered, either under a written warrant from the Magistrate or without such warrant, to pursue persons charged with crimes or misdemeanors into the jurisdiction of other Tehseeldars or Darogahs, whether subject to the same Magistrate as themselves or to the Magistrate of the city, or of either of the zillahs in the province of Benares, or of any of the zillahs, or the city of Patna, in the province of Behar. The Magistrate, Tehseeldars, Darogahs, police officers, landholders, farmers, Gomastahs of villages, cultivators of land, and all other persons having authority or residing in the jurisdiction into which the offenders may be pursued, are required to afford every assistance in their power to the pursuing officers for the apprehension of the offenders. It is to be understood, however, that this concurrent authority vested in the Magistrates and their police officers, is to extend only to cases in which the crime or misdemeanor shall have been committed within their respective jurisdictions, or (in the event of the crime having been committed in any other jurisdiction) where the offender was actually within their jurisdiction when the charge against him was preferred to them. And it shall not be lawful for the Magistrate, Tehseeldar, or Darogah, in one city, zillah, or jurisdiction, in the province of Benares or Behar, to issue a warrant for the apprehension of any offender being or residing in another city, zillah, or jurisdiction, at the time of the complaint being preferred to them, for any crime or misdemeanor not committed within the limits of their respective jurisdictions. In such cases, the complainant must apply in the first instance to the Magistrate of the city or zillah, or to the Tehseeldar or Darogah in the province of Benares, or to the Magistrate or Darogah in the province of Behar, in whose jurisdiction the crime or misdemeanor shall have been committed, or in which the offender may reside or be found.

Police officers apprehending offenders out of their own jurisdiction, to deliver a list of the names of the offenders, and a statement of their crimes, to the Tehseeldar or Darogah in whose jurisdiction they may be apprehended.

XVI. Whenever the police officers employed under one Magistrate shall apprehend offenders in the jurisdiction of another Magistrate, in virtue of the powers vested in them in the preceding section, they shall immediatey deliver to the Tehseeldar or Darogah (according as the offenders may be apprehended in Benares or Behar) of the police jurisdiction in which the offenders may be apprehended, a list of their names, and a statement of the crimes or misdemeanors with which they may be charged, and the Tehseeldar or Darogah shall immediately forward such list and statement to the Magistrate to whose authority he may be subject.

Tehseeldars to receive a reward of ten rupees for every robber or thief apprehended by them, and convicted, and ten per cent. on the value of property recovered from robbers, upon conviction of the offenders.

XVII. The Tehseeldars shall receive from Government a reward of ten rupees for every robber or thief who may be apprehended by them in the first instance, to be paid upon the conviction of the offender. They shall likewise be entitled to a commission of ten per cent. on the value of all property stolen or plundered, which they may recover, provided that the thieves or robbers be apprehended and convicted. The commission is to be paid by the owner of the property, which is to be fairly valued by the Magistrate, or by any creditable and competent person whom he may appoint for that purpose. The Magistrate is to cause the commission, in the case above directed, to be paid by the owner or his agent to the Tehseeldar to whom it may be due. If the owner shall omit or refuse to pay the commission, the Magistrate shall dispose of such portion of the property at public sale as may be sufficient to make good the amount, and deliver the residue to the owner.

Tehseeldars, or some of their officers, to attend wherever markets or melas are held, to keep the peace.

XVIII. The Tehseeldars are to proceed in person, or to depute or commission one or more of their officers, as circumstances may require, to the several towns, gunges, bazars, and hauts, on market days, to prevent any disputes or disturbances arising between the venders and purchasers, or other persons resorting to the markets; and they are to observe similar precautions on the occasion of all melas, or assemblages of people for religious or other purposes.

Tehseeldars to send monthly reports to the Magistrates.

What the reports are to contain.

When and how to be transmitted.

XIX. The Tehseeldar of each jurisdiction shall send to the Magistrate a monthly report in writing, which shall contain the names of all persons whom he may have apprehended, the crime or misdemeanor with which they may have been charged, the date of their apprehension, and the date on which they were despatched to the Magistrate, or released, either upon bail or in consequence of the parties having agreed to withdraw the compaint, in the cases specified in Sections VII and XII, together with a circumstantial detail of all other acts done by him in his official capacity. The report is to be despatched on the fifth of every month, for the month preceding, by the public dawks; or if it cannot be sent by this mode of conveyance, by such other as the Magistrate may direct. If it shall be proved, to the satisfaction of the Magistrate, that a Tehseeldar has apprehended any person, or issued orders, or done any official act, which shall not be inserted and truly stated in his report, he shall submit the circumstances to the Governor General in Council, who, if there shall appear to him sufficient cause for so doing, will order such Tehseeldar to be dismissed, or otherwise direct such fine to be levied from him as may appear adequate to the offence. The amount of all such fines is to be levied by the Collector and paid to the Magistrate, who is to grant it to the party or parties who may have been aggrieved or affected by the misconduct of the Tehseeldar.

Tehseeldars liable to prosecution in the civil and criminal courts, for all official acts not warranted by this Regulation.

XX. If the Tehseeldar of a jurisdiction, or any officer under his authority, shall be guilty of corruption, extortion, or oppression, or commit any act repugnant to this Regulation, the party injured is hereby permitted to prosecute him, either criminally before the court of circuit or for damages in the Dewanny Adawlut. The Judges of the above-mentioned courts are required to take cognizance of all such prosecutions or suits as may be brought before them under this Regulation, and to pass such sentence or decree as may appear to them equitable, upon a consideration of the circumstances of the case.

Magistrates to furnish the Tehseeldars with sunnuds of office and translates of this Regulation.

XXI. The Magistrates of the city and zillahs are to deliver to the Tehseeldars, in their capacities of conservators of the peace and officers of police, sunnuds and a translate of this Regulation, in the Persian language, and in the Hindostanee language and Nageree character. These sunnuds and translates are to be attested with the official seal and signature of the Magistrate.

Rules regarding the police of the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor.

XXII. The rules contained in the following sections are prescribed for the establishment of an efficient police in the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor.

Magistrates of the city and the three towns to divide them into wards.

Each ward to be guarded by a Darogah and establishment, subject to the Cutwal of the city or town.

XXIII. The Magistrates of the city of Benares and the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor, respectively, shall divide the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor, and their suburbs, into wards. Each ward shall be guarded by a Darogah with a proper establishment, and the Darogah shall be subject to the immediate authority of the Cutwal of the city or town.

Wards to be numbered and named; names and numbers of the wards not to be changed without the sanction of Government.

XXIV. The wards shall be numbered and named, and the Magistrates shall not change the names or numbers of the wards, or alter their limits, without the sanction of the Governor General in Council.

Provision regarding the security necessary to qualify a person for the office of Cutwal.

XXV. No person shall be appointed Cutwal of the city of Benares, or of the town of Mirzapoor, unless he shall give security for his appearance in the amount of five thousand rupees, himself in two thousand five hundred, and two responsible persons in one thousand two hundred and fifty each; nor of the towns of Ghazeepoor or Juanpoor, unless he shall give security in half of the aforesaid amount.

Rules for stationary watchmen and patroling the city at night.

XXVI. Besides the security to be derived from the stationary day and night watchmen, who are to be stationed by the Cutwal, as the Magistrate may direct, at the shraub-khanas, or places appointed for the sale of spirituous liquors, and at the heads of streets and passages, and wherever there are large occasional assemblies of people, in the city of Benares and the towns mentioned in the preceding section, the Jematdars of the several wards, with one-half of their establishments, shall patrol their respective wards without intermission, from sunset until twelve o'clock at night, and the Darogah with the other half of their establishments, shall patrol their respective wards without intermission, from twelve o'clock at night until daylight. The patrols are to move about as silently and with as little noise as possible, that thieves and other disorderly persons may never be apprized of their approach. The patrols of the several wards, and such part of the stationary watchmen as the Cutwal shall appoint, are to be furnished with a singhara or horn, which they are to sound when they meet with robbers or other persons guilty of a breach of the peace, and have occasion to give the alarm to each other, or to the inhabitants of the ward, that they may co-operate to the apprehension of the offenders, but not otherwise. The Cutwal is to be careful that the stationary watchmen, and the Darogahs and their officers, perform the essential duties prescribed in this section regularly and properly, and to report to the Magistrate every instance in which they may be guilty of negligence or misconduct in the discharge of them; for which purpose the Cutwals themselves, or their deputies, are to go such rounds, for inspecting the conduct of all the night patrols, the stationary watchmen, and the other officers and servants in their department, as the Magistrates may direct.

Cutwals to be careful that they are observed.

Mohulladar and Mohulladarin to be appointed to each ward, and reports to be made by the Bhutiarehs and Ghaut-manjees.

XXVII. To assist the Darogahs in obtaining the earliest intelligence of any robbers or other offenders, who may be concealed, or have taken up their residence within their respective wards, a Mohulladar and Mohulladarin shall be appointed to each ward, subject, however, to the orders of the Darogahs, to whom they shall convey immediate information of any offenders that may be found in their respective wards. It shall also be the duty of the Bhutiarehs, or persons in charge of the public serays, and of the Ghaut-mangees, to deliver into the cutwally department daily reports of all arrivals and departures of travellers or other persons, to the end that thieves, robbers, and other persons of suspected character, may not be suffered to harbour, unknown to the Magistrates, within their respective jurisdictions; and the Dowms stationed at the ghauts of the city of Benares are to report on, and to receive the Magistrate's sanction, before they proceed to burn the bodies of any Hindoos dying other than a natural death.

Their duties.

That of the Dowms at the ghauts of the city of Benares.

Rules in respect to private watchmen entertained and paid by the inhabitants.

XXVIII. In the city of Benares there are sundry inhabited closes, or courts, with only single entrances, provided with phatucks or gateways, guarded by watchmen entertained and paid by the persons residing therein. These watchmen are to make daily reports to the Darogah of their respective wards of such occurrences in the said places as may fall under the cognizance of the police; and if such watchmen be found inefficient by the Magistrate, he is to appoint others in their stead; and he is to see that the inhabitants of such closes or courts pay to the watchmen the accustomed wages. The rules in this section are extended to all similar closes or courts in the towns of Mirzapoor, Ghazeepoor, and Juanpoor.

What descriptions of persons the Cutwals and Darogahs are to apprehend, and how they are to proceed with them when apprehended.

XXIX. It shall be the duty of the Cutwals and of the Darogahs of the wards to apprehend all murderers, robbers, house-breakers, thieves, pickpockets, and persons charged with or suspected of crimes or misdemeanors, and all vagrants, who may be lurking about their respective wards without any ostensible means of subsistence, or who cannot give a satisfactory account of themselves. All such persons who may be apprehended by the Darogahs between sunrise and sunset, shall be conveyed to the Cutwal's office immediately on their apprehension. If any such persons shall be apprehended between sunset and sunrise, they shall be conveyed to the Cutwal's office early in the morning after the night on which they may have been apprehended. The Cutwal shall every morning, by eleven o'clock, take before the Magistrate all persons who may have been apprehended by him or the Darogahs during the preceding night or day. The Cutwals and Darogahs are prohibited detaining any person whom they may have apprehended in custody beyond the time above prescribed.

Cutwals and Darogahs not to discharge persons once apprehended, except in the cases and under the restrictions herein specified.

XXX. The Cutwals and the Darogahs of the wards shall not discharge any persons whom they may have once apprehended, without receiving orders from the Magistrate for their release; excepting persons who may have been apprehended for petty assaults or other matters, theft excepted, upon which the Magistrates are empowered to pass sentence, in which cases the Cutwals and Darogahs are permitted to discharge the defendants, provided that, previous to the time prescribed for carrying them before the Magistrate, the complainants shall voluntarily deliver a razenamah, or writing, desiring to withdraw the complaint, and the defendants, of their own accord, shall execute a similar writing, agreeing to the complaint being withdrawn. These razenamahs shall be attested by two creditable witnesses, and are to be transmitted, on the morning following the night or day on which they may have been executed, by the Darogahs to the Cutwal, who shall submit them on the morning on which he may have received them, together with any such writings relating to similar cases that may have been entered into before him on the preceding night or day, to the inspection of the Magistrates.

Magistrates to proceed with vagrants and suspected persons found in the city or towns as directed in Section X.

XXXI. The Magistrates are to proceed with vagrants or suspected persons found in the city or towns above-mentioned, who may be brought before them, in the same manner as they are directed to be dealt with in Section X.

Further definition of the duties of the Cutwals and Darogahs, with regard to persons apprehended.

XXXII. The duty of the Darogahs of the wards and Cutwals, with regard to persons charged with crimes or misdemeanors, is confined to apprehending them, and causing them to be carried before the Magistrate as above prescribed. The Cutwals and Darogahs are not to inquire into, or pass sentence upon any complaint, or impose any fine, or make any exaction, or inflict any punishment on the complainants or the accused, or any other person whomsoever.

Cutwals and Darogahs to be allowed the same reward and commission as the Darogahs of the zillahs in Section XVII.

XXXIII. The Cutwals and the Darogahs of the wards of the city and the three towns shall receive the same reward for the apprehension of robbers or thieves, and for the recovery of property stolen or plundered, as is granted to the Tehseeldars by Section XVII.

Darogahs of the wards to perform the same duties as are prescribed to the Tehseeldars in Section XVIII.

XXXIV. The Darogahs of the wards in the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor, shall perform the same duties as are prescribed to the Tehseeldars in Section XVIII.

Police officers of the city and towns liable to prosecution for illegal acts, in the same manner as the Tehseeldars and their officers by Section XX.

XXXV. The Cutwals and the Darogahs of the wards in the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor, and the officers under their authority, shall be liable to prosecution in the civil or criminal courts, for acts of oppression, corruption, or extortion, or any acts not warranted by this Regulation, in the same manner as the Tehseeldars and their officers, as prescribed in Section XX.

Magistrates of the city and towns to furnish the Cutwals and Darogahs with sunnuds of office and translates of this Regulation.

XXXVI. The Magistrates of the city of Benares, and the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor, are to furnish the Cutwals and Darogahs of the wards with sunnuds of office and translates of this Regulation, in the Persian language, and the Hindostanee language and Nageree character. The sunnuds and translates above-mentioned are to be attested with the official seal and signature of the Magistrates.

A.D. 1795. REGULATION XVIII.

A Regulation *for extending to the Province of Benares Regulation XVIII. 1793, entitled* " A Regulation for preserving complete the Records of the " civil and criminal Courts of Judicature, and requiring the Zillah and City " Courts to transmit monthly Reports of the Suits decided by them to the " Provincial Courts of Appeal, and directing the Provincial Courts of " Appeal to submit monthly Reports of the Appeals and Causes decided by " them to the Sudder Dewanny Adawlut :" Passed *by the Governor General in Council on the 27th March* 1795 *(corresponding with the 16th Chyte,* 1201 *Bengal era ; the 22d Chyte,* 1202 *Fussily ; the 16th Chyte,* 1202 *Willaity ; the 22d Chyte,* 1852 *Sumbut ; and the 5th Ramzaan,* 1209 *Higeree).*

I. It being requisite, on grounds similar to those stated in the preamble to Regulation XVIII. 1793, that the rules prescribed in that Regulation, for keeping complete the records of the civil and criminal courts of judicature in the provinces of Bengal, Behar, and Orissa, and requiring reports of the causes and appeals determined in the civil courts, should be extended to the province of Benares, the following rule has been enacted.

Regulation XVIII. 1793, extended to Benares.

II. Regulation XVIII. 1793 is hereby extended to the province of Benares.

A. D. 1795. REGULATION XIX.

A Regulation *for forming a quinquennial Register of the landed Estates in Benares, subject to the Payment of Revenue to Government, and of the Amount of the fixed annual Revenue payable to Government from each Estate :* Passed *by the Governor General in Council on the 27th March* 1795 *(corresponding with the 16th Chyte,* 1201 *Bengal era ; the 22d Chyte,* 1202 *Fussily ; the 16th Chyte,* 1202 *Willaity ; the 22d Chyte,* 1852 *Sumbut ; and the 5th Ramzaan,* 1209 *Higeree).*

I. The public revenue assessed upon each estate, under the rules for the permanent settlement, being fixed in perpetuity, and each estate being liable in progress of time to be divided and formed into two or more estates, either in consequence of one or more of the proprietors now possessing, or who may succeed to it, requiring the separate possession of his or their respective share or shares, or from a part of the estate being transferred by gift, sale, or other private act of the proprietor or proprietors, or by public sale; and the security of the public revenue depending upon the allotment of it, on each portion of every estate so divided, being made agreeably to the rules prescribed in Regulations V, and XXVII, 1795; and it being necessary for enabling the officers of Government to apportion the public revenue in conformity to the rules contained in those Regulations, and for affording Government the means of tracing every deviation from those rules, that there should be kept a register of all estates paying revenue to Government, the annual revenue charged upon each of them, and the names of the proprietors, and also of the transfer of estates, or portions of estates, and of the allotment of the public revenue upon such portions, and of the union of estates which may have originally formed parts of the same zemindarry or talook; and that every such union, and all such transfers, divisions, and allotments of the public revenue, that have taken place since the commencement of the quartennial or decennial settlement, or which may hereafter occur, should be traceable with facility and certainty at any future period; the following rules have been enacted:

Quinquennial register to be prepared of the estates paying revenue to Government, and of the jumma assessed upon each estate.

II. *First.* Every five years, the Collector of the land revenue in Benares is to prepare a register of all the estates in the province, of whatever denomination or description, the proprietors of which pay the public jumma, or revenue, assessed upon their estates immediately to Government.

Explanation of the term estate.

Second. By the term estate is to be understood any land being malguzarry, or subject to the payment of public revenue, for the discharge of which a separate engagement has been or may be entered into with Government.

Names of estates to be arranged in alphabetical order.

III. The names of the estates in each sircar are to be arranged in alphabetical order, according to the English alphabet.

Estates to retain their present names.

IV. Estates having names, are to retain the names by which they are at present distinguished.

Estates, the names of which are varied upon a change of the proprietor, to retain their present names.

V. Where it is the practice to vary the appellation of estates upon every change of the proprietors, such estates are henceforth to bear the names by which they are at present distinguished.

Proprietors to name their estates, in the event of their not having been distinguished by any particular name.

VI. Estates that have not been distinguished by any particular appellation are to be named by the proprietor or proprietors, and henceforth to retain the name which may be so given to them. If any dispute shall arise between the proprietors of a joint estate, regarding the name to be given to the estate, the Collector shall name the estate without reference to the Board of Revenue.

Distinguishing appellations to be subjoined to the name of the estate.

VII. *First.* Where estates, in addition to their names, bear the distinguishing appellation of talook, tuppa, &c. they are to be placed on the register according to the initial letters of their names, and any such distinguishing appellations are to be inserted immediately after the names as follows:

Pessara,

or

Singramow (Tuppa or Talook), &c.

Estates which form specific portions of zemindarries, &c. to be stated under the general head of the original estate.

Second. Where a zemindarry or talook, from whatever cause, shall have been or may be divided into a number of puttees or shares, each consisting of a specific and ascertained proportion of the original estate, and the Putteedars, or sharers, shall have the separate possession of their shares, and shall have entered into distinct engagements with Government for the payment of the public revenue assessed upon their respective shares, so as to render each share a distinct estate, the shares are to be placed under the head of the zemindarry or talook of which they originally constituted a part, as follows:

Budlapoor:
Six annas,
Three annas,
Seven annas.

Such estates, if not specific proportions, not to be registered under the head of the original estate.

Third. If any lands, villages, or mehauls, in an estate not forming an ascertained and specific proportion of the whole estate, shall have been or may be transferred, either by public sale or by any private act of the proprietor, and the new proprietor shall have entered into, or may execute separate engagements to Government for the public revenue, the lands so transferred (which agreeably to Clause Second, Section II., will form a separate estate) are not to be inserted under the head of the zemindarry or talook of which they originally formed a part, as directed with regard to the estates described in the preceding clause, but they are to be considered as original and distinct estates, and to be named under the rules above prescribed for the naming of estates.

Names of the pergunnahs, villages, &c. in each estate, to be specified.

Fourth. Under the head of each estate are to be specified the names of all the local divisions, and the villages contained therein, alphabetically arranged, and where procurable from the accounts or records that may be obtainable, the rukbah or measurement of each village, and the gross produce of it. Separate columns are to be allotted for the measurement of the villages and for their gross produce; and where the measurement or the produce shall not be immediately procurable, the column for the measurement, or the produce, shall be left blank for the present, and be filled up at a future period, whenever the villages may be measured by public authority to settle any dispute, or for other purposes, or the measurement or the produce may be otherwise obtained.

Names of pergunnahs of which estates may form a part only, to be specified.

Fifth. Where an estate consists of one, two, or more villages, not comprising a whole pergunnah, the name of the pergunnah in which the estate may be situated is to be specified.

Jumma to be inserted opposite to each estate.

VIII. The annual revenue assessed upon each estate is to be inserted opposite to it in a separate column.

Names of the proprietors of every estate to be inserted opposite to it.

IX. The names of the proprietor or proprietors of every estate shall be inserted opposite to the estate; and if the estate be let in farm, the name of the farmer is to be specified.

Quinquennial register when to commence.

X. The quinquennial register to be first formed for the province of Benares shall commence with the Fussily year 1202, and shall exhibit the estates, and the required particulars respecting them, as they may stand at the end of that year. Upon this register being completed, a similar register shall be forthwith formed, to commence with the year 1197, and show the estates in the several circars as they stood at the end of that year, being the first of the quartennial and decennial settlements. The quinquennial register to be formed at the commencement of the year 1207 of the Fussily era, and every succeeding five years, is to exhibit the estates in the province as they may stand at that and each subsequent period.

Registers to be numbered.

XI. The register to be first formed, and to commence with the Fussily year 1202, is to be numbered One. The register to be next formed, commencing with the year 1197, is to be numbered Two. The register to be formed at the commencement of 1207, is to be numbered Three; and every subsequent quinquennial register in the order in which it may be formed.

Size of the paper for the register.

XII. The register is to be written on English paper, of the exact size of that on which the form hereafter directed to be prepared by the Board of Revenue may be written, and is to be bound up in one volume, on the back of which there shall be the following inscription: "*Register of estates paying "revenue to Government in the province of Benares at the commencement of the "year .... Fussily era, corresponding with the year of our Lord ...., number ....*"

Leaves of the register to be paged and to be signed by the Judge of the city of Benares.

No register to be considered as authentic excepting such as may be paged, and be signed by the Judge of the city of Benares.

XIII. When the draft of the quinquennial register is completed, it is to be transcribed into a book of the prescribed dimensions, each leaf of which shall be previously paged, and be signed by the Judge of the Dewanny Adawlut of the city of Benares; and on the last leaf of the book the Judge is to specify, in his own hand-writing, the number of pages contained in it; and no register shall be considered as authentic, but such as may be entered in a book so paged and attested.

Counterpart register in the native languages to be kept by the keepers of the native records.

XIV. It shall be the duty of the keepers of the native records appointed under Regulation XXI. 1793 (extended to the province of Benares, by Regulation XXX. 1795), to keep an exact counterpart of the English register in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the Judge of the Dewanny Adawlut of the city of Benares, in the same manner as the books containing the English registers; and no other counterparts of the registers of estates shall be considered as authentic, but such as may be entered in a book so paged and attested.

In what language the counterpart registers are to be kept.

XV. The counterpart registers are to be kept in the Persian language, and the Hindostanee language and Nageree character.

Manner in which the mutations in property in the intervals between the forming of each quinquennial register are to be recorded.

XVI. For the purpose of recording the divisions of estates, or the transfers of estates or portions of estates, or the union of estates, that originally formed a part of the same zemindarry or talook, which may take place during the five years subsequent to the forming of each quinquennial register, the Collector is to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated the "*Register of intermediate mutations in "landed property,*" and have the following inscription on the back, "*Register of "intermediate mutations in landed property, between the commencement of the year "...... and the expiration of the year ...... Fussily era.*" Previous to any entries being made in this register it is to be paged, and the Judge of the Dewanny Adawlut of the city of Benares is to sign each leaf of it, and on the last leaf specify, in his own hand-writing, the number of pages contained in the book. The Collector shall cause to be entered in this register all divisions of estates or transfers of estates or portions of estates, and every union of estates which originally constituted a part of the same zemindarry or talook, that may take place during the five years subsequent to the formation of each quinquennial register, with the authority by which the same may have been made, and all the particulars necessary for making the required entries in the next quinquennial register, and shall attest the entry with his signature.

Further rules to be observed in keeping the register of intermediate mutations in property.

XVII. To facilitate reference, as well as the preparing of the new quinquennial register at the end of every five years, the Collector is to insert in the quinquennial register, in red ink, opposite to the name of the estate in the property in which any alteration may have taken place, the number of the page in the register of intermediate mutations in which the alteration may be noted, and at the end of the note of the alteration in the last-mentioned register, he is to insert in red ink the number of the page in which the estate may be registered in the quinquennial register; and every such entry shall be signed by the Collector, who shall be responsible for the entry being truly and accurately made. The note of the alteration to be entered in the register of intermediate mutations is to specify the requisite particulars for completing the entries in the next quinquennial register, or refer to them if they be contained in the preceding quinquennial register. The Collector is strictly enjoined never to allow the register of intermediate mutations to fall in arrear, but to make the necessary entries immediately upon any mutation in property being notified to him.

Counterpart of the English register of intermediate mutations in property to be kept by the keepers of the native records.

XVIII. A counterpart of the register of intermediate mutations in landed property is to be kept by the keepers of the native records, in the same form as the English register, and in a book, the leaves of which are, in like manner, to be paged and attested by the Judge of the Dewanny Adawlut of the city of Benares.

How errors in the fair copy of the quinquennial register, and in the register of intermediate mutations, are to be noted.

XIX. When a quinquennial register shall have been transcribed fair into the book attested by the Judge of the city of Benares, as directed in Section XIII., if it shall be discovered that the entries respecting any estate are erroneous or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand; and the Collector is to cause the errors or omissions to be noted in the register of intermediate mutations, and attest the entry with his signature, and insert, in red ink, opposite to the erroneous or incomplete entry in the quinquennial register, the number of the page in the register of intermediate mutations in which the errors or omissions are noted, and at the end of the note specify the number of the page of the quinquennial register in which the property may be registered. Errors or omissions in the register of intermediate mutations are to be noted in a similar manner.

Similar rule with regard to errors in the counterpart of the quinquennial register and register of intermediate mutations in the native languages.

XX. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records are to be noted by them, in the same manner as the Collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate mutations in the native languages, in addition to the attestation of the keepers of the native records, shall be signed by the Collector.

Where titles to estates are disputed, the party in possession to be registered as the proprietor.

XXI. If the proprietary right in an estate, or the part of an estate, shall be under litigation in a court of justice, at the time of forming the first or any subsequent quinquennial register, the party in possession is to be registered as the proprietor.

Collector, from whence to be furnished

XXII. *First.* The Collector will be furnished, through the following channels, with the necessary information for making the entries in the register of mutations in property.

nels, with the necessary information regarding the mutations in landed property, for making the requisite entries in the register of intermediate mutations.

Judges of the city and zillahs to furnish him with copies of decrees relating to malguzarry land.

Second. The city court and the zillah courts are required by Section IV., Regulation VIII. 1795, to transmit to him copies of all decrees that they may pass, or which may be sent to them to be enforced by the provincial court of appeal or the Sudder Dewanny Adawlut, in any respect relating to the proprietary right in lands paying revenue to Government.

Board of Revenue to furnish him with an account of sales of such lands made at Calcutta.

Third. The Board of Revenue is to furnish him with the necessary particulars regarding all such lands as may be disposed of by them at public sale at Calcutta.

Particulars of sales made by him to be taken from the accounts in his own possession;

Fourth. In cases in which lands may be ordered to be sold at his cutcherry, he will have in his own possession the authority for the sale, and all the necessary information regarding the property transferred.

as also in cases of the division or the union of estates.

Fifth. He will likewise have in his possession, the requisite information respecting the division or union of estates which may take place under Regulation XXV. 1793 and Regulation XXVI. 1795, by which it is directed that the division and union of all estates are to be made under his superintendence.

Transfers of land will be notified to him under Regulation XXVII. 1795.

Sixth. By Regulation XXVII. 1795, transfers of estates, or portions of estates, must be notified to him, before the name of the new proprietor can be inserted in the register directed to be kept by the present Regulation.

Keepers of the registers to notify to him transfers that may be registered.

Seventh. The keepers of the registers established under Regulation XXXVI. 1793 (extended to Benares by Regulation XXVIII. 1795) are required by that Regulation to furnish him with the particulars of all transfers of landed property that may be entered in their registers.

Proprietors, &c. liable to be fined for omitting to furnish any information that may be required by the Collector for preparing the registers.

XXIII. If a Collector shall have occasion to require from a Talookdar, Zemindar, or other proprietor, or the farmer of an estate, or from a Putteedar, distinct or common, or from an under-farmer, any information that may be necessary to enable him to form a quinquennial register, or to make the requisite entries in the register of intermediate mutations, and such person shall omit to furnish it by the time required, after having been served by the Collector with a written requisition for that purpose, under his official seal and signature, the Collector is to report the circumstances to the Board of Revenue, for the information of the Governor General in Council, who reserves to himself the power of imposing on such person whatever fine may appear proper, upon a consideration of the case and his situation and circumstances in life. Upon receiving notice, through the Board of Revenue, of any such fines that may be imposed by the Governor General in Council, the Collector is to levy the amount, by the process to which he is authorized to have recourse for the recovery of arrears of revenue.

Collector to send duplicates of each quinquennial register to the Board of Revenue.

XXIV. The Collector of Benares is to transmit, as early as may be practicable, to the Board of Revenue, an attested copy of the quinquennial register, both in the English and the native languages, each in a book of the prescribed size, paged and attested by the Judge of the Dewanny Adawlut of the city of Benares, in the same manner as the original register, as directed in Section XIII.; and within one month after the expiration of the third, sixth, ninth, and twelfth month of each Fussily year, an attested copy ofthe entries in the register of intermediate mutations that may have taken place during the three preceding months. The Collector is to transmit similar copies of the quinquennial register, and of the quarterly entries in the register of intermediate mutations, to the Judges of the Dewanny Adawlut of the city and zillahs, and to the provincial court of appeal. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the quinquennial registers, and of the quarterly entries in the registers of intermediate mutations, as soon as they may receive them from the Collector.

Courts, the Board of Revenue, and the Collector, to be careful to preserve the old quinquennial registers and registers of mutations.

XXV. The courts of judicature, the Board of Revenue, and the Collector, are enjoined to be particularly attentive to the preservation of the quinquennial register and registers of intermediate mutations, both in the English and native languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects.

Board of Revenue to prepare a form for the quinquennial register, and for the register of intermediate mutations of property.

XXVI. Upon the receipt of this Regulation, the Board of Revenue are to prepare forms for the quinquennial register and the register of intermediate mutations, so that the first-mentioned register may exhibit the required particulars respecting each estate, and, as far as may be practicable, the circars, pergunnahs, or other established divisions of the country in which the estates may be situated; and, after submitting the forms for the approbation of the Governor General in Council, they are to transmit a copy to the Collector. The approved forms are not to be altered without the sanction of the Governor General in Council; but the Board of Revenue are to suggest any improvements in the form that may occasionally occur to them, and in the event of their being adopted, they shall take place from the period fixed for forming the next quinquennial register, or at such other period as may be deemed advisable. Upon the receipt of this Regulation, the Collector is to proceed to collect the necessary papers and information for forming the quinquennial register which is to commence with the Fussily year 1202, and to register all mutations in property in the province of Benares that may take place subsequent to the receipt of this Regulation. When the quinquennial register for the above year is completed, or earlier if practicable, the Collector is to proceed to prepare the quinquennial register which is to commence with the year 1197, the first of the quartennial and decennial settlements, and to complete the register of intermediate mutations to the expiration of the year 1201.

From what materials the register to commence with the year 1207, and every subsequent quinquennial register, is to be formed.

XXVII. The quinquennial register to be formed at the commencement of the Fussily year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding quinquennial register and the entries of subsequent mutations in property in the register of intermediate mutations. The materials for each quinquennial register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book arranged according to the prescribed form.

All persons at liberty to sue for any landed property registered in the name of another.

XXVIII. No part of this Regulation is to be considered to preclude any person who may deem himself entitled to any estate, or portion of an estate, paying revenue to Government, which may be entered in the quinquennial register, or the register of intermediate mutations, as the property of any other person, from suing for the same in the court of Dewanny Adawlut in which the claim may be cognizable.

A.D. 1795. REGULATION XX.

A REGULATION *for disposing of malguzarry and lakheraje Lands at public Sale, pursuant to Decrees of the Courts of Justice:* PASSED *by the Governor General in Council on the 27th March* 1795 *(corresponding with the* 16*th Chyte,* 1201 *Bengal era; the* 22*d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the* 22*d Chyte,* 1852 *Sumbut; and the* 5*th Ramzaan,* 1209 *Higeree).*

I. IN cases in which portions of estates may be ordered to be sold in satisfaction of decrees of the courts of judicature, it is necessary for the security of the public revenue, that the jumma to be charged on the lands directed to be disposed of should be adjusted agreeably to the principles prescribed in Clause Ninth, Section VII., Regulation V. 1795, and in Section VII., Regulation XXVII. 1795. The Board of Revenue and the Collector being in possession of the accounts and information necessary for the adjustment of the jumma, and as the superintending the details of the attachment and sale of lands would necessarily occupy much of the time of the courts, and often occasion a delay in the enforcement of the decrees; and it being necessary that Government should have the means of compelling the proprietors to furnish the requisite accounts and information for enabling the public officers to apportion the jumma, and that the courts by which the decrees may have been passed, or to which the enforcing of them may be committed, should be vested with a power of countermanding or postponing the sale, in the event of the amount of the decree being discharged previous to the sale being made, or for other cause that may appear to them sufficient, the following rules have been accordingly enacted.

Copy and translate of decrees to be enforced by the sale of malguzarry lands, to be transmitted to the Board of Revenue.

II. When a court of civil judicature shall have occasion to have recourse to the sale of lands paying revenue to Government, in satisfaction of a decree, the court by which the decree is to be enforced is to transmit a copy of the decree, without any other part of the proceedings, and a translate of it in English, to the Board of Revenue.

Board of Revenue to proceed to the sale of the lands without delay.

Orders for sales of lands to be reported to the Governor General in Council.

III. The Board of Revenue are to proceed, with all practicable despatch, to dispose of such portion of the lands of the party against whom the decree may be given, as may be sufficient to make good the amount of it. The Board are to cause the lands to be disposed of at the presidency, or in the district in which the lands may be situated, according as they may deem most advantageous for the proprietor. The Board are to report, for the information of the Governor General in Council, all orders for sales of land which they may issue under the powers vested in them by this Regulation, immediately on the same being issued by them.

Public revenue to be charged on the lands to be sold, to be fixed agreeably to Clause Ninth, Section VII., Regulation V. 1795, and Section VII., Regulation XXVII. 1795.

IV. The public jumma or revenue to be charged on the portion of any estate ordered to be put up to sale, is to be adjusted agreeably to the principles prescribed in Clause Ninth, Section VII., Regulation V. 1795, and in Section VII., Regulation XXVII. 1795.

Board of Revenue empowered to order the attachment of lands directed to be sold.

V. The Board of Revenue are empowered, in cases in which it may appear to them expedient, to direct the Collector to attach the lands ordered to be sold, by deputing an Aumeen to take charge of them, or by placing them under the nearest Tehseeldar or other revenue officer. The officer to whom the lands may be committed is to collect the rents and revenues, to prevent waste being committed by the proprietor, and to furnish any information that may be required for the adjustment of the jumma.

Expenses of the attachment and sale to be defrayed by the proprietor.

VI. The expenses attending the attachment and sale of the lands, after being approved by the Board of Revenue, are to be charged to the account of the proprietor, and are to be defrayed either from the collections made from the lands, or from the proceeds of the sale, if the collections shall be insufficient for that purpose.

Proprietors of the lands may appoint officers to keep counterparts of the Aumeen's accounts.

Rules to be observed by the Aumeen in making the collections.

VII. The proprietor of the lands to be sold may appoint his Dewan, or any other person whom he may think proper, to keep a counterpart of the accounts of the receipts and disbursements of the Aumeen. The Aumeen is to collect according to the engagements that may subsist between the proprietor and the other landholders and Putteedars, distinct and common, and the under-farmers and Ryots, and is not to make any alterations whatever in such engagements, or exact more than the amount specified in them; and he shall be liable to a prosecution in the Dewanny Adawlut for any alteration or infringement of such engagements in opposition to this section. In cases in which no engagements may exist between the proprietor and the other landholders and Putteedars, distinct or common, or under-farmers or Ryots, the Aumeen is to collect from them according to the established rates and usages of the pergunnah. The Aumeen shall likewise be subject to a prosecution by the proprietor or proprietors of the estate, for embezzlement, or injuries done to the estate or farm, during the time that the collection of the rents and revenues of it may be entrusted to him.

Rules in the preceding section applicable to Tehseeldars, or other officers appointed to take charge of the lands ordered to be sold.

VIII. The rules in the preceding section with regard to Aumeens, are to be considered equally applicable to Tehseeldars, or other officers, to whose charge lands ordered to be sold may be committed.

Punishment for resisting, or causing to be resisted, the officer deputed to attach the lands to be sold.

IX. If a proprietor or proprietors, or (if the lands be let in farm) a farmer, or his or their surety or sureties, shall resist, or cause to be resisted, the Aumeen, or other officer, whom the Collector, by the authority of the Board of Revenue, may direct to attach lands ordered to be sold, the Collector is to proceed against the offender in the manner in which he is directed in Regulation VI. 1795, to proceed against proprietors and farmers, or their sureties, who resist the process which he may issue under that Regulation; and all the rules contained in that Regulation, respecting proprietors, Putteedars, farmers, or sureties, who may resist, or cause to be resisted, the process issued by the Collector under that section, are to be considered applicable to those who may resist, or cause to be resisted, the officer who may be ordered by the Collector to attach their lands under Section V. of this Regulation. Any other description of persons guilty of the offence specified in this section shall be subject to the same process and punishment as sureties so offending.

Penalty for proprietors or farmers who may not attend, or depute an agent, with the accounts and information necessary for the adjustment of the jumma.

X. The proprietor, or (if the lands be let in farm) the farmer of the lands ordered to be sold, upon receiving a written order for that purpose from the Collector, under his official seal and signature, shall attend the Aumeen or other officer in person, or order an agent duly empowered and informed to attend him, if the Collector shall deem it sufficient to require the attendance of an agent only, with any accounts of the collections and jumma of the lands ordered to be sold, or the estate of which they may form a part, for the purpose of adjusting the jumma at which the lands are to be disposed of. If the proprietor or farmer shall omit or refuse to attend, or to cause an agent of the description above specified to attend, by the time prescribed in the Collector's requisition, with the accounts and information required, the Board of Revenue are empowered to impose such daily fine upon him until he complies with the Collector's requisition, as they may think adequate to his situation and circumstances in life; reporting, however, the amount for the confirmation of the Governor General in Council. The fine is to be levied by the same process as is prescribed for the recovery of arrears of revenue.

Proprietors and farmers to cause the attendance of the Putwarries and zemindarry officers on the Aumeen or officer, on receiving a written requisition to that effect from the Collector.

XI. The proprietor or farmer shall likewise cause the Putwarries to attend the Aumeen, or other officer, to assist him in making the collections, and for the purpose of furnishing him with the accounts and information necessary for adjusting the jumma as required by Section IX., Regulation XXVII. 1795; as well as any other of the zemindarry officers, whose assistance or attendance may be required for the above purposes, upon receiving a written requisition from the Collector to that effect; and in the event of his omission or refusal, he shall be subject to the same penalty as for the breach of the rules in the preceding section.

Publication of the sale, where to be made, how long to be fixed up, and what it is to contain.

XII. Previous to any sale of land taking place, a publication is to be made in the Persian language, and in the Hindostanee language and Nageree character, specifying the jumma at which the lands, or the several lots of them, if they are ordered to be sold in two or more lots, are to be disposed of, and the place, date, and hour of the day, fixed for the sale, and the proportion of the revenue payable on account of the year in which the sale of the lands may take place for which the purchaser is to be responsible, or, if the exact proportion cannot be ascertained, the rules by which the amount of it is to be adjusted. The publication is to be fixed up in some conspicuous place in the court-room of the Dewanny Adawlut of the city or zillah, the office of the Collector, the principal town or village in the lands to be sold, and the office of the Secretary to the Board of Revenue. The publication is to be fixed up at the several places above-mentioned, for a term not less than one month before the sale takes place. The other conditions of sale contained in Sections XIII. and XIV., as well as any other stipulations that may be made, are to be fixed up in a conspicuous part of the room in which the sale may be directed to take place, on the day of sale, and during the three days preceding it.

Other conditions of sale to be fixed up in the room in which the sale is to take place.

Deposit of five per cent. to be made by the purchaser at the time of the sale.

Consequence of not paying the purchase-money by the limited time.

XIII. A deposit of five per cent. on the amount of the purchase-money is to be made at the time of the sale by the purchaser of the lands. If the purchaser shall omit to discharge the purchase-money within the period which may be stipulated, he is to forfeit the deposit to Government, and the lands are to be resold at such purchaser's risk and expense. If the lands shall be disposed of at a lower price than that offered by the first purchaser, he is to make good the deficiency; if a profit shall arise on the second sale, it is to be carried to the credit of the proprietor.

First purchaser how to be proceeded against, in the event of his omit-

XIV. If the first purchaser shall refuse or omit to make the deposit, or to pay, within the required time, the amount of the deficiency and the expenses arising on the resale, after being served by the Collector in whose jurisdiction he may be or reside, or by the Board of Revenue, if he shall be in Calcutta, with a written demand for the amount, similar to that directed in Regulation VI. 1795, to be served on proprietors and farmers of land from whom arrears of revenue are due, the amount shall be levied from him by the same process as is prescribed for enforcing decrees of the courts of judicature.

ting to make the deposit or pay any deficiency or expense arising on a resale.

Purchasers not to be responsible for arrears or suspensions of revenue, unless otherwise stipulated.

XV. The purchasers of land sold under this Regulation are not to be held responsible for any arrears or suspensions of revenue that may be due to Government from the lands prior to the year in which the purchase may be made, unless it shall be otherwise stipulated in the conditions of sale. Arrears or suspensions not so stipulated to be made good by the purchaser, are to be paid from the proceeds of the sale, or by the former proprietor, or recovered by the prescribed process against any other property which he may possess, or against both his property and person if necessary. Arrears of rent or revenue that may be due to the former proprietor from the other landholders, or from the Putteedars, distinct or common, or under-farmers or Ryots, preceding the date on which the lands may be sold, are to belong to him, and are to be recoverable by him by suit in the Dewanny Adawlut of the city or zillah. The defaulting proprietor, however, shall be at liberty to transfer his right to such arrears to the new proprietor.

By whom arrears and suspensions of revenue are to be made good.

Rule respecting arrears of rent or revenue due to the former proprietor.

Courts empowered to countermand or postpone sales of lands ordered to be made in satisfaction of decrees.

XVI. Where a sale of the lands of any person shall have been ordered to take place in satisfaction of a decree, the court by which the decree may have been passed, or to which the enforcing of it may be committed, is empowered, in the event of the amount of the decree being discharged, or for other cause that may appear to them sufficient, to countermand or postpone the sale, by issuing a precept to that effect to the Collector, if the lands shall have been ordered to be sold by the Collector, or by an address to the Board of Revenue, if the lands shall have been directed to be sold by them; in which precept or address the court shall state their reasons for ordering the sale to be countermanded or postponed: and, in the latter case, if it shall appear to them proper so to do, they may prescribe a date for the sale of the lands. The Board of Revenue and the Collector are to conform to the requisitions of such precepts or addresses from the courts, for countermanding or suspending the sale of lands.

Rules in the preceding sections to be applied to lands held exempt from the payment of revenue to Government, as far as they are applicable.

XVII. The rules in the preceding sections are to be considered applicable to lands held exempt from the payment of revenue to Government, as far as they may be applicable to the circumstances thereof; with this addition, that the purchaser of such exempted lands is to be considered as having succeeded only to the rights of the former proprietor, and that the transfer is not to bar any claims of government for the recovery of the public dues, under any existing Regulation, or any other Regulation that may be hereafter enacted.

Transfer of such exempted lands by sale in liquidation of decrees, not to affect the rights or claims of Government.

Transfer of lands to be entered in the public registers.

XVIII. When the sale of the lands shall have taken place, the Collector is to cause the entries of the transfer to be made in the public registers.

Sales to affect no more than the proprietary right of the party or parties on whose account they are declared to be made.

XIX. In view to the nature of tenures in the province of Benares, and to the numerous subordinate titles to land that exist within the same talooka or zemindarry, or village or villages, the revenue assessed on which is often rendered payable under one pottah, by no more than one or more of the principal proprietors, as set forth in Regulations II. and VI. 1795, it is to be understood, that the purchaser of lands thus situated, in which there shall be more than one person possessing superior or subordinate proprietary claims, is to be considered as having purchased and succeeded to the proprietary rights only of the party or parties on whose account the sale shall be declared to be made, without otherwise affecting the other proprietary titles within the tenure.

A.D. 1795. REGULATION XXI.

A REGULATION *for preventing Brahmins in the Province of Benares establishing Koorhs, wounding or killing their female Relations or Children, or sitting Dhurna; and for preventing the Tribe of Raujekoomars in that Province killing their female Children*: PASSED *by the Governor General in Council on the 27th March* 1795 (*corresponding with the* 16*th Chyte*, 1201 *Bengal era; the* 22*d Chyte*, 1202 *Fussily; the* 16*th Chyte*, 1202 *Willaity; the* 22*d Chyte*, 1852 *Sumbut; and the* 5*th Ramzaan*, 1209 *Higeree*).

I. THE reverence paid by the Hindoos to Brahmins and the reputed inviolability of their persons, and the loss of, or prejudice to caste, that ensues from proving the cause of their death, have in some places in the province of Benares, and more especially in the pergunnahs of Kuntit and Budhoee, been converted by some of the more unlearned part of them into the means of setting the laws at defiance, from the dread and apprehensions of the persons of the Hindoo religion, to whose lot it must frequently fall to be employed in enforcing against such Brahmins any process or demands on the part of Government. The devices occasionally put in practice under such circumstances by these Brahmins, are lacerating their own bodies, either more or less slightly, with knives or razors; threatening to swallow, or sometimes actually swallowing poison, or some powder which they declare to be such; or constructing a circular enclosure, called a koorh, in which they raise a pile of wood or of other combustibles, and betaking themselves to fasting, real or pretended, place within the area of the koorh an old woman, with a view to sacrifice her by setting fire to the koorh, on the approach of any person to serve them with any process, or to exercise coercion over them, on the part of Government or its delegates. These Brahmins likewise, in the event of their not obtaining relief within a given time, for any loss or disappointment that they may have justly or unjustly experienced, also occasionally bring out their women or children, and causing them to sit down in the view of the Peon who is coming towards them on the part of Government or its delegates, they brandish their swords, and threaten to behead or otherwise slay these females or children, on the nearer approach of the Peon; and there are instances in which, from resentment at being subjected to arrest or coercion, or other molestation, they have actually not only inflicted wounds on their own bodies, but put to death with their swords the females of their families or their own female infants, or some aged female procured for the occasion. Nor are the women always unwilling victims; on the contrary, from the prejudices in which they are brought up, it is supposed that in general they consider it incumbent on them to acquiesce cheerfully in this species of self-devotement, either from motives of mistaken honour or of resentment and revenge, believing that after death they shall become the tormentors of those who are the occasion of their being sacrificed. On similar principles, these Brahmins, to realize any claim or expectation, such as the recovery of a debt, or for the purpose of extorting some charitable donation, frequently proceed, either with some offensive weapon or with poison, to the door of another inhabitant of the same town or village, and take post there in the manner called dhurna; and it is understood, according to the received opinions on this subject, that they are to remain fasting in that place until their object be obtained, and that it is equally incumbent on the party who is the occasion of such Brahmin's thus sitting, to abstain from nourishment until the latter be satisfied. Until this is effected, ingress and egress to and from his house are also more or less prevented, as, according to the received opinions, neither the one nor the other can be attempted, but at the risk of the Brahmin's wounding himself with the weapon, or swallowing the powder or poison with which he may have come provided. These Brahmins, however, are frequently obliged to desist, and are removed from sitting dhurna by the officers of the courts of justice, without any ill consequence resulting, it having been found by experience, that they seldom or ever attempt to commit suicide, or to wound themselves or others, after they are taken into the custody of Government. The rules and measures adopted for putting a stop to these abuses, and for preventing the revival of the still more savage custom, which until within these few years had been generally prevalent amongst the tribe of Raujekoomars inhabiting the borders of the province near Juanpoor, of destroying their infant female children by suffering them to perish for want of sustenance, are hereby enacted with modifications into a Regulation.

Brahmins establishing a koorh, or preparing to maim, wound, or slaughter women or children, how to be dealt with. To be committed to prison, &c.

II. Upon information, in writing, being preferred to the Magistrate of the city or a zillah court, against any Brahmin or Brahmins, for establishing a koorh, or for being prepared to maim, wound, or slaughter his women or children, or any or either of them, in the manner described in the preamble to this Regulation, or in any manner substantially similar thereto, on account of any subject of discontent or any other account whatsoever; in such case, upon oath being made to the truth of the information, the Magistrate is immediately to address to the said Brahmin or Brahmins a written notice, in the Persian language and character, and in the Hindostanee language and Nageree character, and under his official seal, which notice is to be served on him or them by such of the relations, friends, or connexions of the said Brahmin or Brahmins as the Magistrate may think fit and have an opportunity of employing for the purpose; and in default of such relations, friends, or connexions of the said Brahmin or Brahmins, the Magistrate is to cause the notice to be served by a single Peon of the same religion; and the notice shall require the said Brahmin or Brahmins to remove the koorh, and the women and people that may be placed in it, or to desist from any preparation towards wounding or slaughtering the women or children, according as either or both of these facts shall be charged in the information. The notice shall also contain a positive and encouraging assurance to the Brahmin or Brahmins in question, that on his or their complying with the principal exigence thereof, by removing the koorh and the person or persons therein, or by desisting from any preparation to wound or slaughter the women and children, and thereon repairing (as such Brahmin or Brahmins may think fit), in person or by Vakeel, to the city or zillah court, proper inquiry shall be made concerning the dispute that may have given occasion to the act or acts thus prohibited. But if the issuing of the notice shall not have the effect of inducing the said Brahmin or Brahmins to comply with the exigence thereof, a written return to that purpose is to be made and attested by the party or parties intrusted with the serving of it; and the Magistrate is thereon to issue a warrant, under his official seal and signature, for the apprehension of the said Brahmin or Brahmins, specifying the misdemeanor and contumacy with which he or they stand charged; and the execution of the warrant is to be committed to Peons of the Mahomedan religion, nor is any Hindoo to be sent on such duty. On the Brahmin or Brahmins against whom the warrant shall have been issued being brought before the Magistrate, he or they are to be dealt with in the mode prescribed in Section V., Regulation IX. 1793, respecting persons charged with crimes or misdeanors; and if it shall appear to the Magistrate on the previous inquiry, which by the said section he is himself directed to make, that the misdemeanor or misdemeanors charged (that is, the constructing of the koorh, or being prepared to wound or slay the women or children, according as either or both of these acts shall have been charged) were actually committed, and that there are grounds for suspecting the prisoner or the prisoners respectively to have been concerned, either as a principal or an accomplice, in the perpetration of either or both of these acts, the Magistrate shall cause him or them to be committed to prison or held to bail (according as the parties shall appear to have been principals or accomplices), to take his or their trial at the next session of the court of circuit, and shall bind over the informant or complainant, and the witnesses, to appear at the trial, in the manner prescribed in the aforesaid section.

Process of the trial, and the punishment to be inflicted for the commission of the aforesaid offences.

III. The court of circuit shall conduct the trial of the Brahmin or Brahmins charged with the above offences, in the manner prescribed in Regulations IX. 1793, and XVI. 1795, in respect to other offences; but as the Mahomedan law cannot adequately apply to offences of this local nature, it is therefore hereby provided and ordered, that where, in the opinion of the court of circuit, the charge of being a principal in respect to the constructing of a koorh, or to having been prepared to wound or slay the women or children, shall be proved, the said court shall sentence the prisoner to the payment of a fine equal to the amount of his annual income, which is to be estimated according to the best information that they may be able to procure respecting it; and on proof, to the court's satisfaction, of the prisoner's being guilty only as an accomplice, he shall be sentenced to the payment of a fine equal to one-fourth of his estimated annual income. In all cases of parties being sentenced to the payment of such fines, they are to be committed to, and are to remain in gaol until the amount thereof be paid, or until they shall have delivered to the court of circuit, or after the said court's departure, to the Magistrate, full and ample malzaminy or security to pay the same within six months from the date of their release; and such parties, before their enlargement, either in consequence of their having liquidated, or having entered into security for the payment of the fine imposed on them, shall deliver into the court of circuit, or in their absence to the Magistrate, fael zaminy or satisfactory security from one or more creditable persons, not to offend in like manner in future.

Authority reserved to the Nizamut Adawlut to mitigate such fines.

IV. All sentences passed by the court of circuit under Section III., without however any intermediate suspension of their execution, are to be transmitted within ten days after their being passed to the Nizamut Adawlut, which court may order such mitigation and restitution of the fine or fines thereby imposed, as may be thought proper; but until the order be issued by the Nizamut Adawlut, the sentence of the court of circuit is to be considered in full force, and to be carried into effect accordingly.

Penalty for Brahmins absconding, for whose apprehension the Magistrate shall have issued a warrant under Section II.

V. In case any Brahmin or Brahmins against whom the city or a zillah Magistrate may issue the warrant, prescribed in Section II., shall refuse to obey, or resist, or cause to be resisted, the Peons, deputed to serve it, or escape after being taken by them into custody, or abscond, or shut himself or themselves up in any house or building, or retire to any place so that the warrant cannot be served upon him or them, the Magistrate shall issue a precept to the Collector requiring him to cause the nearest Tehseeldar to attach the lands that such Brahmin or Brahmins may possess in property or in mortgage, or in farm or lakheraje. The lands shall remain attached until he or they surrender, and the collections made during the attachment, after deducting such revenue as may fall due to Government, shall be accounted for and paid to the party against, or on account of, or in resentment to whom, the koorh was originally established, or the woman or women, or child or children, were to be wounded or slain; and after the surrender or apprehension of the Brahmin or Brahmins who set up the koorh, or was or were prepared to wound or slay his or their women or children, or either of them, his or their lands shall be released; but he or they shall be proceeded against, in respect to his or their trial for the original offence or offences, as prescribed in Sections III. and IV.

Collector to apply to the Magistrate in case of Brahmins establishing a koorh, or being prepared to kill or wound women or children, on account of any process from the Revenue Department.

VI. In the event of any Brahmin or Brahmins establishing a koorh, or preparing to wound or slay his or their women or children, or any or either of them, with a view to prevent the serving of any dustuck or writ on him or them, for arrears of revenue, by the local Tehseeldar or by the Collector of Benares, in the manner in which by Regulation VI. 1795, they are respectively authorized to issue such dustucks; if it be the dustuck of the Tehseeldar that is thus opposed, he is not, after being informed thereof, to persist in enforcing it, but is to report the case immediately to the Collector, accompanied by the written testimonies of the Peon deputed to serve the dustuck; upon receipt of which information, or in case of his own original process being in like manner resisted, the Collector is to represent, through the Vakeel of Government, the amount of the balance due by such Brahmin or Brahmins, and the circumstances attending the issuing of his own or of his Tehseeldar's process for realizing it, to the Judge and Magistrate of the city or zillah in whose jurisdiction the lands on account of which the arrears shall be due may be situated; and upon the Peon deputed with the Tehseeldar's or the Collector's dustuck, or any other creditable person or persons, attending in court, and making oath to the truth of the circumstance stated in the representation of the Collector, either as to the constructing of a koorh by such Brahmin or

Notice, and process to be issued by the Magistrate thereon.

Brahmins, or as to his or their being prepared to wound or slay the women and children, or any of them (according as one or both of these expedients shall be stated to have been resorted to by the Brahmin or Brahmins in question), the Magistrate is thereon to issue to such Brahmin or Brahmins a written notice, under his official seal, in the Persian language and character, and in the Hindostanee language and Nageree character, which is to be served on him or them by such of the relations, friends, or connections of the said Brahmin or Brahmins as the Magistrate may think fit and have an opportunity of employing for the purpose; and in default of such relations, friends, or connections of the said Brahmin or Brahmins, the Magistrate is to cause the notice to be served by a single Peon of the same religion; and the tenour of it shall require the said Brahmin or Brahmins to remove the koorh, and the women and people that may be placed in it, or to desist from any preparation for wounding or killing the women or children (according as either or both of these offences may be charged in the information), as likewise either to discharge the balance of rent or revenue that shall have been demanded from him or them, or to appear, and entering security for such part of it as he or they may have pleas against the payment of, to file his or their objections to the payment of such part, in the city or zillah court, that the merits of the case may be inquired into and decided, according to the principles by which other disputed demands and accounts of revenue are, under Regulation VI. 1795, directed to be determined; and the said notice is also to contain a positive and encouraging assurance to the Brahmin or Brahmins in question, that on his or their complying with the exigence of it, by removing the koorh and the persons therein, or by desisting from any preparation to wound or slay the women and children, and either discharging the balance of revenue in demand, or repairing in person, or deputing a Vakeel, to the city or zillah court, and entering security for the amount of it, proper inquiry shall be made into the pleas that he or they may have to state against the justice of the demand. If the issuing of the notice shall fail to induce the said Brahmin or Brahmins to comply with the requisitions of it, a written return to that effect is to be made and attested by the party or parties entrusted with the serving of it, and the Magistrate is immediately to issue a warrant, under his official seal and signature, for the apprehension of such Brahmin or Brahmins, in which shall be specified the misdemeanor, contumacy, and arrear, with which he or they stand charged; and the warrant shall be executed by Peons of the Mahomedan religion, as directed in Section II.; and if the Brahmin or Brahmins shall refuse to obey, or resist, or cause to be resisted, the Peons deputed to serve it, or escape after being taken by them into custody, or abscond, or shut himself or themselves up in any house or building, or retire to any place so that the warrant cannot be served on him or them, the Magistrate, on information to this effect, shall issue a precept to the Collector, to cause the nearest Tehseeldar to attach the lands that such Brahmin or Brahmins may possess in property or in mortgage, or in farm or lakheraje; and the lands shall accordingly remain attached, and the profits of them be appropriated by Government, until the liquidation of the balance shall be effected, either from the produce, or in consequence of the said Brahmin or Brahmins making good the same from his or their other means; and also until the said Brahmin or Brahmins shall have been brought, or made his or their appearance before the court, when he or they shall be tried for being concerned, either as principals or accomplices, in setting up the koorh, or for having been prepared to wound or slay his or their women or children, or any or either of them, in the same manner; and with the same reservation as to the mitigation of the sentence, as is specified in Sections II., III. and IV.

Brahmins causing the construction of a koorh, and persons firing it, to be tried on a charge of murder for the loss of the life or lives of any person or persons that may be thereby occasioned.

VII. If any Brahmin or Brahmins, on account of any discontent or alarm, well or ill-founded, either against Government or its officers or servants, shall establish a koorh, in which any person or persons shall, at any period from its construction until its removal, be burnt to death, or otherwise lose their lives, in consequence of such koorhs being set fire to by any person whomsoever, the Brahmin or Brahmins who shall have caused the construction thereof shall be held chargeable with, and made amenable for the crime of murder, as well as the party or parties who may have been immediately employed, or aided in setting fire to the pile or combustibles in question; and upon proof of the fact, to the satisfaction of the court of circuit, such Brahmin or Brahmins, and such person or persons setting fire to the koorh, shall be sentenced, on trial before the said court, to suffer the punishment of death, in the same manner as if they had committed and been convicted of kutl amd, or premeditated murder, according to the doctrines of the Mahomedan law; and with a view to render the example as public as possible, such sentence (whether consistent with the futwah of the Mahomedan law officers or otherwise) is, in this case, to be accordingly formally passed by the court of circuit on the Brahmin or Brahmins thus convicted; but it is to be at the same time explained to the party or parties thus condemned, as it is also hereby expressly provided, that all such trials, and the sentences passed, are by the court of circuit to be submitted (in like manner as is prescribed in Section XLVII., Regulation IX. 1793) to the Nizamut Adawlut, and the party or parties condemned under this section are to remain in gaol to await the final judgment of that court; and if the Nizamut Adawlut shall approve of the condemnation, it shall order the Brahmin or Brahmins in question to be conveyed to Calcutta, to be thence transported for life, in conformity to Section XXIII., Regulation XVI. 1795, which establishes this commutation for the legal punishment of murder perpetrated by Brahmins within the province of Benares; or if the court of Nizamut Adawlut shall see cause for not proceeding pursuant to the sentence passed by the court of circuit, either in respect to the Brahmin or Brahmins who may have caused the construction of the koorh, or to the party or parties who may have been employed or aided in firing it, they shall submit the case or cases to the Governor General in Council, and either recommend a pardon, or such other commutation by way of mitigation of the punishment, as to the said court may seem proper.

Punishment for Brahmins wounding women and children.

VIII. If any Brahmin or Brahmins, under the circumstances, and in the manner described in the preamble to and the following sections of this Regulation, or under such circumstances, and in such manner as shall be substantially similar thereto, with a sword or other offensive weapon, or otherwise, shall actually wound his or their women or children, or other women or children, or any or either of them, on account or in resentment of any real or supposed injury committed towards him or them, by any Aumils, Tehseeldars, or other officers or servants employed in the Revenue or Judicial departments, or shall so wound any of his or their own women or children, or any other woman or child, on account or in resentment of his or their differences with any individual, he or they shall, for such act or acts, be sentenced by the court of circuit to transportation, subject to the same reference to the Nizamut Adawlut, and to the like commutation of the punishment or pardon, as in the cases referred to in Section VII.

Punishment for Brahmins killing women or children.

IX. If any Brahmin or Brahmins, under the circumstances, and in the manner described in the preamble to and subsequent sections of this Regulation, or under such circumstances and in such manner as shall be substantially similar thereto, with a sword or other offensive weapon, or otherwise, shall actually put to death his or their women or children, or other women or children, or any or either of them, on account or in resentment of any real or supposed injury committed towards him or them, by Aumils, Tehseeldars, or any other officers or servants employed in the Revenue or Judicial departments, or shall so put to death any of his or their own women or children, or any other woman or child, on account or in resentment of his or their differences with any individual, he or they shall be tried for such homicide, and on proof of the fact or facts be accordingly sentenced by the court of circuit to capital punishment, subject to the same reference to the Nizamut Adawlut, and to the like commutation of the punishment or pardon, as in the cases referred to in Section VII.; and the families of any Brahmin or Brahmins found guilty of murder under this section shall, according to the order of the Governor General in Council under date the 17th of June 1789, and the publication made in conformity to it by the Resident at Benares, under date the 7th of July of the same year, be banished from the province of Benares and the Company's territories, and his and their estates in land shall be forfeited and disposed of as to Government shall seem proper; and accordingly, the court of circuit is required to subjoin this order to all sentences that they may pass on Brahmins for murder under this section, at the same time reporting such sentence and order to the Nizamut Adawlut, together with as accurate an account as they may be able to procure, of the number, sex, and age of the persons composing the family of such Brahmin or Brahmins, and annexing their opinion how far it may be advisable, or otherwise, rigorously to enforce the banishment of the family of such Brahmin or Brahmins, or to confirm, or mitigate, or annul the order for the forfeiture of their real property; and the Nizamut Adawlut, on consideration of this sentence and order, and of the opinion of the court of circuit, shall either wholly confirm, or recommend to the Governor General in Council such mitigation of the said sentence and order, as shall appear to them proper; and in all cases where the forfeiture of the landed property of such Brahmin or Brahmins, and that of his or their family, shall be confirmed by the Nizamut Adawlut, the said court is to advise the Governor General in Council thereof, nor shall such sentence be carried into execution, as far as regards the forfeiture of the landed property, without an order from the Governor General in Council approving such part of the sentence, and directing in what manner the lands thus forfeited shall be disposed of.

Families of such Brahmins to be banished and lands forfeited.

Limitation as to the forfeiture of the family lands of the offenders.

X. In the exercise of the discretion vested in the Nizamut Adawlut by Section IX., of recommending to the Governor General in Council the mitigation of sentences and orders passed by the court of circuit under the said section, it shall be a rule, that whenever the Governor General in Council shall, in consequence, deem it proper to limit the banishment either to the party or parties commiting the murder, or to a certain number only of his or their family or families, no confiscation or forfeiture of the landed property shall in such instances take place, but the same shall be entirely left in the possession, and as the property, of those members of the family who shall be exempted from banishment.

Regulations respecting Brahmins sitting dhurna.

XI. *First.* In conformity to the order of the Governor General in Council of the 2d of November 1792, and the publication issued in consequence at Benares on the 22d of December of the same year, and the further order of the Governor General in Council under date the 7th November 1794, the following rules are enacted for the prevention of dhurna, and for the trial and punishment of Brahmins committing this offence.

Magistrate to cause Brahmins sitting dhurna to be apprehended.

Second. On a complaint, in writing, being presented to the Magistrate against any Brahmin or Brahmins for sitting dhurna, the Magistrate, upon oath being made to the truth of the information, shall issue a warrant, under his seal and signature, for the apprehension of the person or persons thus complained against. On the prisoner or prisoners being brought before the Magistrate, he shall inquire into the circumstances of the charge, and examine the prisoner or prisoners and complainant, and also such other persons (whose depositions are to be taken on oath) as are stated to have any knowledge of the misdemeanor alleged against him or them, and commit their respective depositions to writing; and after this inquiry, if it shall appear to the Magistrate that the misdemeanor charged against the prisoner or prisoners was never committed; or that there is no ground to suspect him or them to have been concerned in the committing of it, the Magistrate shall cause such Brahmin or Brahmins to be forthwith discharged, recording his reasons for the information of the court of circuit, in the manner specified in Section XVII., Regulation IX. 1793. On the contrary, if it shall appear to the Magistrate that the crime or misdemeanor was actually committed, and that there are grounds for suspecting the prisoner or prisoners to have been concerned therein as principals or accomplices, the Magistrate shall cause him or them to be committed to prison or held to bail (according as in his discretion he shall judge proper), to take his or their trial at the next session of the court of circuit, and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence, in the manner required by Section V., Regulation IX. 1793. The trial shall take place before the court of circuit, in the manner prescribed in the said Regulation and in Regulation XVI. 1795; and after the evidence is closed, it shall be referred to the Pundit or Pundits of the court, to deliver in writing the bebusta, or exposition of the law of the Shaster, as to whether the facts contained in the evidence amount to proof of the prisoner or prisoners having committed dhurna; and in the event of such bebusta being in the affirmative, the court of circuit is to sentence the prisoner or prisoners to be expelled from the province of Benares, and to forfeit all title to the right or claim for the realizing of which the misdemeanor shall have been committed; but this sentence is not to be carried into execution until it shall have been reported by the court of circuit to the Nizamut Adawlut, and it shall have been either wholly confirmed, or directed

Process of such Brahmin's trial before the court of circuit.

Bebusta of the Pundits to be taken.

Sentence to be passed.

to be enforced under such mitigation as to the expulsion from the province, or to the forfeiture of the right or claim of the prisoner or prisoners to the property for which he or they sat dhurna, as to the said court shall seem proper.

Court of circuit how to proceed in case all the legal requisites to constitute dhurna shall not be found, although the offence was substantially committed.

XII. In the event of the bebusta which the Pundit is required to deliver in Section XI. not stating the circumstances sworn to in the evidence to amount to the offence of dhurna, and the court of circuit shall nevertheless be of opinion from the evidence before them, that the prisoner did in fact commit dhurna, according to the common construction and received meaning of that term, although the act may not have been attended with all the circumstances that may be legally required to constitute dhurna according to the description of it in the books of the Hindoos, the said court is, under such circumstances (as directed by the order of the Governor General in Council under date the 7th of November 1794), to take from the prisoner or prisoners a mochulka or engagement, conditioning that if such prisoner or prisoners shall again sit dhurna on any one, or perform any act of a nature so similar to dhurna as shall, on their being prosecuted before the court of circuit, be deemed by the Judges of the said court present at the trial, or the majority of them, equivalent or tantamount to dhurna, the said prisoner or prisoners shall respectively, for such second offence, suffer the full penalty of dhurna, as provided for by the order of the Governor General in Council, by being expelled from the province, and by being made to forfeit all right and title to the claim in question.

How Raujekoomars are to be tried for leaving or causing their female infants to perish for want of nourishment.

XIII. In the month of December 1789, the tribe of Raujekoomars having bound themselves to discontinue the practice of causing their female infants to be starved to death, it is now accordingly ordained, that from the establishment and opening of the city and zillah courts, and of the court of circuit in Benares, if any Raujekoomar shall designedly prove the cause of the death of his female child, by prohibiting its receiving nourishment, as set forth in the preamble to this Regulation, or in any other manner, the Magistrate, on receiving information thereof upon oath, or such other information or proof as he shall deem sufficient to render the charge highly probable, shall cause such Raujekoomar to be apprehended in the manner prescribed, and make the inquiry ordered in Section V., Regulation IX. 1793; when, if it shall appear to the Magistrate that the crime has been actually committed, and that there are grounds for suspecting the prisoner to have been concerned in the perpetration of it, the Magistrate shall cause him to be committed to prison to be tried before the court of circuit, and shall at the same time take all the other precautions required in the section and Regulation last quoted, relative to securing the attendance of the original complainant or informant, and of the witnesses; and the prisoner shall be tried accordingly, in the manner directed in Regulation IX. 1793, and Regulation XVI. 1795, with respect to other cases of murder.

A.D. 1795. REGULATION XXII.

A Regulation *for preserving the Record of the principal Rules regarding the Administration of Justice and the Police in the Province of Benares, passed between the Year* 1781 *and the Period of the Abolition of the Office of Resident in* 1795 *; and for determining what Part of those Rules are to be considered still in Force; and for transferring the Causes depending in the Courts of Judicature abolished on this Date to the Courts established in lieu of them:* Passed *by the Governor General in Council on the 27th March* 1795 *(corresponding with the* 16*th Chyte,* 1201 *Bengal era; the 22d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the 22d Chyte,* 1852 *Sumbut; and the 5th Ramzaan,* 1209 *Higeree).*

I. Previous to the cession of Benares to the Company and until the year 1781, the administration of justice in the several pergunnahs and districts in the province of Benares was committed, subject to the control of the Zemindar, to the Aumils or native Collectors of the revenue, who, in the exercise of this trust, were guided chiefly by unwritten custom. In the city of Benares, certain judicial powers in civil suits were lodged in the superintendent of an office denominated the Amanut Dufter, and the police was entrusted to a Cutwal. This system continued with little variation until the year 1781, when the British Government first interfered in the interior administration of the country. It being necessary that all the rules which have been passed from that period to the abolition of the Residency, regarding the administration of justice or the police, should be printed and published, for the security of the rights of those individuals whose property is held under, or has in any shape been affected by them, and that it should be declared what part of those rules are still to be considered in force, and it being requisite that provisions should be made for transferring the suits depending in the courts abolished on this date to the courts which have been established in lieu of them, the following rules have been enacted.

Institution of a court of justice for the city of Benares.

II. On the 19th of October 1781, a chief Magistrate was appointed for the preservation of the peace and the administration of justice in the city of Benares; and to enable him to execute the duties assigned to him, a Dewanny Adawlut or civil court, a Foujdarry Adawlut or criminal court, together with a Cutwally or office of police, were established under his superintendence. The Magistrate was authorized to frame rules of practice for the courts, subject to the approbation of the British Government at Calcutta, to whose authority alone he was subject.

Establishment of a court of justice for the town of Ghazeepoor.

Rule of law to be observed therein.

III. On the 27th of January 1788, a court of justice was established in the town of Ghazeepoor, under the superintendence of a native Judge, who was vested with civil, criminal, and police jurisdiction, within the limits of the town. In civil causes instituted in this court, the law of the religion of the parties was made the rule of decision; excepting when the parties were of different persuasions, as in suits between Mahomedans and Hindoos, in which cases the court was ordered to be guided by the law of the religion of the defendant. But in all criminal cases (excepting those which had relation to caste or marriage amongst the Hindoos) the futwahs or sentences were directed to such petition against any decree made in any of the said mofussil courts, be presented to such mofussil court, or to the Resident in his capacity of Judge of the court of appeal at Benares, within two months after the day on which the decree was made. Provided nevertheless, that such person may prefer his petition of appeal to the said court of appeal at Benares, after such period, if he can show just and reasonable cause, to the satisfaction of that court, for not having preferred the same within the said two months; and if the petition of appeal be against any decree, whereby the right of possession of any house or land shall be decreed to the plaintiff, all proceedings shall immediately be staid, and no execution had or possession given, under the decree appealed against, until the said appeal shall have been finally determined in the Sudder Dewanny Adawlut, if the party against whom the decree is given enter into good and sufficient security in a sum equal to one year's value of the rents, issues, and profits of such land or house which shall have been decreed, to abide by and perform such order as shall be made in the court of appeal at Benares. But if such party shall neglect or refuse to enter into such security, on or before the court day next after such appeal shall be preferred, then the Mofussil Dewanny Adawlut shall order execution to be had and possession to be delivered according to the decree; and in all other cases, the Mofussil Dewanny Adawlut may either order the decree to be carried into execution, or sufficient security to be given by the party against whom the decree shall be made, in a sum equal to the sum of money or the value of the thing decreed, for the performance of the decree; and if the Mofussil Dewanny Adawlut shall order the decree to be executed, security shall be taken from the party in whose favour the decree is made, in a sum equal to the sum of money or value of the thing decreed, for the due performance of such order or decree as shall be made in the court of appeal; and in all cases, the party appealing shall give full and sufficient security, in a sum not exceeding two hundred rupees, for the payment of all such costs, and for the performance of such order or decree as the court of appeal may think proper to award or make thereupon; and in every case where any petition of appeal shall be presented in any Mofussil Dewanny Adawlut against any decree given in such court, and such securities as are hereby required shall have been entered into, the Judge of such Mofussil Dewanny Adawlut shall immediately endorse on such petition, in his own hand-writing, the day of the month and year in which it was presented, and sign the same with his name, and shall likewise cause to be written in the margin of the record, immediately opposite to the decree of the court, the word "appealed," and shall receive every petition of appeal, and transmit the same to the court of appeal at Benares; and the Judge shall cause notice in writing to be given to the appellant, that he will within six days certify to the court of appeal the several proceedings had in the cause appealed, and that if the appellant shall not proceed in his appeal within fourteen days after the same shall have been received by and filed in the court of appeal, his appeal will be dismissed, unless the appellant shall show reasonable cause, to the satisfaction of the court, for not proceeding therein.

Record and papers how to be certified to the court of appeal.

Third. " 2*d*. That the Judge of such Mofussil Dewanny Adawlut shall, within six days next after the receipt of such appeal, certify under his hand and the seal of his court, to the Resident as Judge of the court of appeal

" at Benares, the record so made up and authenticated as aforesaid, together with the original complaint, answer, replication, and rejoinder of the parties, and the original depositions, exhibits, and every original paper read in the cause, and before he shall transmit the same to the court of appeal, cause true and faithful copies of all such originals, authenticated by the signature of the Serishtadar or head Moonshee, to be made out and deposited in the Mofussil Dewanny Adawlut, in lieu of the originals, which said copies shall be, and shall be esteemed, records of the court.

In what causes an appeal is to lie from the decision of the court of appeal at Benares.

Fourth. " 3d. That where the cause of action shall not exceed one thousand rupees, the judgment of the Resident, in his capacity of Judge of the court of appeal at Benares, is to be final; but in causes exceeding that amount, the parties are to be at liberty to appeal from the decision of the Resident to the Sudder Dewanny Adawlut at Calcutta, under the restrictions prescribed in the Regulations for the administration of justice in the provinces of Bengal, Behar, and Orissa.

Rules for ascertaining in such cases the value of the subject litigated.

Fifth. " 4th. That for the purpose of ascertaining what causes are, and what causes are not appealable from the court of appeal at Benares to the Sudder Dewanny Adawlut at Calcutta, the mode of fixing what causes exceed and are under one thousand rupees, shall be as follows: in causes respecting land, it shall be estimated according to the annual produce or jumma, that is to say, lakheraje land at ten times the amount of its annual produce, ayma lands paying a quit rent to Government at twenty times the amount of the annual quit rent, and malguzarry land at one year's amount of the jumma to Government; and if for a house and the ground belonging to it, according to the price in the bill of sale, or if there be no bill of sale, according to the appraisement of two creditable appraisers of the place.

Process in respect to the execution of the decision of causes liable to be appealed.

Sixth. " 5th. In all causes, the Mofussil Judges are, after hearing the cause and the evidence produced, and considering all the vouchers of both parties, to pass their decision thereon according to the Mussulman and Hindoo laws, in the manner distinctly specified in regard to each in their sunnuds of investiture, which they are to announce in the public cutcherry to the parties, and to furnish each of them with an attested copy of the decree passed under the Judge's signature and the seal of the Adawlut, which decrees the Judges are respectively to order on the next court day to be carried into execution, if either of the parties shall not then or before have applied to appeal, in which case the Judges are to act according to the regulations contained in the preceding articles.

Security to be taken from parties in civil suits.

Seventh. " 6th. The Judges are on the institution of each cause, as soon as the petition of complaint is received, to take sufficient security from the parties in the cause to carry on their suit, and to abide by the judgment of the court when passed, or to appeal therefrom, in the manner directed by the preceding regulations."

Jurisdiction of the court of appeal at Benares extended over the city court.

XI. The Governor General in Council having extended the jurisdiction of the court of appeal at Benares to hearing appeals from decisions of the city court of Benares, established as specified in Section II., the native Judge was advised accordingly on the 11th of May 1788. On the 6th of August following, the Governor General in Council determined that the court of appeal should not receive any appeals from causes decided by the Judge of the city court previous to the 31st of August 1787, the date of the then Resident's first arrival at Benares.

Rule in respect to bonds of old date.

XII. On the 11th of October 1788, a rule was passed directing the courts at Ghazeepoor, Juanpoor, and Mirzapoor, to entertain and try all civil suits founded on bonds of whatever date, in part of which any payments had been made within the period of the twelve years fixed for rendering causes cognizable.

Mahomedan and Hindoo laws to be conformed to in the city court of Benares.

XIII. On the 20th of October 1788, the court of appeal at Benares directed the same use and application of the Mahomedan and Hindoo laws, respectively, to be observed in the city court of Benares, as had been prescribed to the courts of Mirzapoor, Ghazeepoor, and Juanpoor.

Establishments provided for the two country courts of Moolky Dewanny and Moolky Foujdarry Adawluts.

XIV. Some provision was thus made for the administration of justice in the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor; but the jurisdiction of these courts being confined to the limits of the city and towns in which they were respectively established, and not extending into the interior parts of the zemindarry, the greater proportion of the inhabitants were still left without any adequate protection or means of procuring redress. For although some steps had been taken, in 1786, towards the institution of a court of justice for the country (hence called the moolky or country adawlut), with the limited authority of hearing and trying such causes as the Resident might refer for that purpose, its powers and influence were so circumscribed as to be productive of little benefit, until the month of October 1787, when this tribunal was formed into two distinct courts, one denominated the Moolky Dewanny Adawlut, or civil country court, and the other the Moolky Foujdarry Adawlut, or criminal country court. A separate Judge was nominated to each of these courts, and under the subsequent instructions of the Governor General in Council, of the 29th of February and 3d of October 1788, adequate establishments were assigned to these two Moolky Adawluts on the 26th of November following. The Moolky Dewanny Adawlut was vested with powers to hear, try, and decide all civil suits arising in the four circars composing the zemindarry of Benares, with the exception of the city of Benares and the towns of Mirzapoor, Ghazeepoor, and Juanpoor. The Moolky Foujdarry Adawlut was vested with a co-extensive criminal jurisdiction; and both of these courts were placed so far under the superintendence of the Resident, that appeals lay to him from the former, and the futwahs or sentences of the latter were rendered subject to his revision. The same application of the Mahomedan and Hindoo laws was directed to be observed in these courts as in the other established courts above-mentioned.

Extent of the jurisdiction of these courts.

Rules passed on the 18th January 1789.

XV. *First.* On the 18th of January 1789, the rules contained in the following clauses were prescribed for the guidance of the Moolky Dewanny Adawlut.

Term limited for causes being actionable in the Moolky Dewanny Adawlut.

Second. The Judge was authorized to take cognizance of such civil actions coming within the cognizance of the court, as had originated within the twelve years previous to the 26th of November 1788; but he was ordered not to hear causes of older date, unless they were referred to him for that purpose.

In respect to prosecutions for lands and zemindarry rights.

Third. In consequence of the Regulation passed by Government on the 11th of April 1788, the court was prohibited from taking cognizance of claims to lands and zemindarry rights, where the party had been dispossessed antecedent to the 1st of July 1775, answering to the Fussily year 1182.

Causes relative to the revenue.

Fourth. Causes relating to the collection of the revenue were declared not cognizable in this court, unless referred to it.

Form of oath to be used in this court.

Fifth. The court was prohibited from administering any of the oaths described in the books of the Hindoos, excepting the oath on the water of the Ganges.

How decrees for landed property were to be executed.

Sixth. Orders for possession of land awarded by decrees of this court, were directed to be issued from the office of the Resident on the parties exhibiting the decrees.

Process of this court in regard to summoning parties and witnesses.

Seventh. The process of this court for summoning witnesses and parties, was directed to be served through the Aumils and Jaghiredars, and any neglect on the part of the said officers and persons in executing the process, was punishable by a fine to be imposed by the Resident.

Rule for the enforcement of decrees.

Eighth. In cases in which the party cast might plead inability to pay the amount adjudged against him, the Judge was instructed to propose the liquidation of it by a kistbundy to be agreed to by the parties, taking security for the kists or instalments being duly discharged. In the event of failure in the payment of the instalments, and of the party cast not appealing to the court of appeal, he was to be detained in gaol for three months, at the expiration of which period the Judge was to receive from the plaintiff, and to report to the Resident, the means possessed by the defendant for the liquidation of the claim adjudged against him, and to wait the Resident's instructions.

Punishment of contempts.

Ninth. The Judge was authorized to punish contempts committed in open court by a fine not exceeding ten rupees, and by committing the party to custody until the fine was paid; and in case of the party guilty of the contempt being unable to pay the fine from indigence, the Judge was allowed to punish him by the infliction of any number of stripes, not exceeding fifteen. On the 2d April 1794, the court was authorized to dismiss the claim of the party for such contempts, but without depriving him of his right to have recourse for a further hearing to the court of appeal.

Penalty for creditors seizing on and confining the persons of their debtors.

XVI. To abolish the practice which had more or less obtained in different parts of the zemindarry, of creditors seizing on the persons of their debtors and detaining them in confinement until their claims were satisfied, a proclamation prohibiting this abuse was issued by order of the Governor General in Council on the 13th of July 1789, in which it was declared, that any person convicted in a court of justice of having confined another on account of debt, should forfeit all claim to such debt, or be subject to the payment of such a sum of money as damages to the person confined, as the court might think proper to award upon a consideration of the circumstances of the case. This rule was notified to the Judges of the several courts for their information and guidance.

Rule in respect to suits founded on deeds of mortgage.

XVII. On a consideration of the nature of mortgage deeds, on the 28th of August 1789, it was made a general rule for the guidance of all the courts, that suits preferred relative to writings of this description by any parties interested therein, should not be restricted to any limitation in point of time, but be allowed to go to issue on their merits, with the exception specified in Clause Eighth, Section XXXV.

Oaths of the Judges of the Moolky Adawluts.

XVIII. On the 18th of September 1789, the Judges of the Moolky Dewanny and Moolky Foujdarry Adawluts were sworn into their offices, their oath of office being to the same purport as that taken by the Judges of the towns of Ghazeepoor, Juanpoor, and Mirzapoor.

Judges of the several courts to receive and try all complaints and suits preferred agreeably to the Regulations.

XIX. On the 21st of November 1789, the Judges of the several courts were directed to receive, try, and decide all suits according to the Regulations, without waiting for, or making any plea of delay, for their not being referred for that purpose by the Resident, as no such references would be made in future, excepting in cases of complaint for undue delay or denial of justice, or other apparent irregularity in the courts.

Pottahs not to be considered as fixing the proprietary right in lands.

XX. On the 12th of December 1789, on the forming of the general settlement of the public revenue to be paid from the lands throughout the zemindarry, the Judge of the Moolky Dewanny Adawlut was informed, that the pottahs then issued not being meant to fix the proprietary right in lands, but only to ascertain the revenue payable from each estate, he was therefore not to consider those deeds of settlement as any bar to the admission of suits preferred in conformity to the regulations respecting the proprietary right in such estates. To this effect engagements were taken from the parties with whom the settlement was made, as specified in Section XVI., Regulation II. 1795.

Rule for the Moolky Dewanny court, in cases in which defendants could not be found or refused to attend.

XXI. On the 2d of January 1790, the following rule was passed for the guidance of the Moolky Dewanny Adawlut: that where a defendant shall have absconded, and is not after diligent search to be found, the Judge shall cause a written notice to be stuck up in the court-room, and also send a copy thereof to the Aumil of the district in which such defendant lives, to be posted on the door of the house in which such defendant may reside, specifying that if he shall not appear to defend the suit on or before the expiration of one month from the date and issuing of such publication, the cause shall be heard and decided on the evidence which may be adduced on behalf of the plaintiff. On the 15th June 1792, a similar rule was extended to persons refusing to attend the court after a summons had been duly served on them.

Rules and restrictions for the guidance of the Moolky Dewanny Adawlut in respect to zemindarry claims.

XXII. *First.* To prevent the evils and inconveniences likely to arise from the great prevalence of the spirit of litigation between parties claiming to be restored to zemindarry rights, the following rules were passed on the 21st of March 1790, for the guidance of the Judge of the Moolky Dewanny Adawlut.

Zemindars when defendants may attend in person or by Vakeel.

Second. " 1st. No Zemindar shall be required to attend in person to defend
" any suit which may be instituted against him, but the summons shall express
" that he may appear for that purpose in person or by his authorized Vakeel;

Mochulka to be executed by claimants to zemindarry rights.

Third. " 2d. Before any process is issued for summoning a Zemindar or his
" Vakeel, in any suit relative to the proprietary right in his zemindarry, a
" mochulka is to be taken from the claimant, specifying in what year since
" 1182 Fussily he had possession, either as a partner with or in exclusion of
" the party now in possession. The mochulka is to express in the body of it,
" that if the period of the plaintiff's possession therein specified prove untrue,
" his suit for that cause alone shall be dismissed, and until this mochulka be
" entered into no summons or process shall issue against the defendant.

Security for damages to be entered into by claimants to zemindarries.

Fourth. " 3d. After executing such mochulka, the plaintiffs are further to
" enter into such security as the court shall deem sufficient, to pay, in case

" they ultimately fail in their suits, such damages to the Zemindar who is the " defendant, as the prosecution of their unjust complaint shall have occasioned " to him; the amount of which damages is to be adjudged by the court on " the decision of every such suit, and recovered in like manner as all other " decrees for sums of money are directed to be carried into execution.

Defaults for which claims to zemindarries are to be dismissed.

Fifth. " 4th. In case of the plaintiffs mentioned in the two preceding articles " refusing to enter into the required mochulka and security, their claims are " to be dismissed, and the process in all such zemindarry causes now depend- " ing in the court is to be suspended until the security above required be " entered into, after which they are to be proceeded with, or, if not entered " into such causes are to be likewise dismissed. The parties, however, in all " such causes as may be so dismissed, shall have the option of appealing to " the court of appeal."

Decrees relative to zemindarries to be reported to the Resident.

XXIII. On the 10th of July and 3d of September 1790 it was made a rule, in addition to the rule contained in Clause Sixth, Section XV., that the Judge of the Moolky Dewanny Adawlut should advise the Resident of all decrees passed by him, adjudging the possession of any zemindarry or other landed estate, whether paying revenue or held exempt from the payment of revenue.

Rules for levying a russoom or commission on causes tried in the city court.

XXIV. Under the authority of an order passed by the Governor General in Council on the 1st of July 1789, the Resident having authorized the Judge of the city court of Benares to receive, from the 22d of September following, a russoom or commission of one per cent. on the amount of claims preferred in civil suits instituted in that court, the following rules for levying it were adopted on the 5th of August 1790. Where the cause or claim was for ready money, the prescribed russoom was directed to be levied on the amount; but on claims for malguzarry land, the russoom was ordered to be calculated on the annual revenue payable to Government; and on claims for lakheraje lands on ten times the amount of the annual produce; and on claims for ayma lands paying a quit rent to Government, on twenty times the amount of the annual quit rent; and on claims for houses and gardens, on the price specified in the bill of sale, or where there was no bill of sale, on the current value of the property, to be ascertained by inquiry, or from the opinion of two creditable builders who were to report the value of it to the Adawlut on oath. Such russoom was directed to be paid in deposit by the plaintiff at the time of filing his bill of plaint, but in the event of the decree being given against the defendant, and the whole of the money or property demanded by the complainant being decreed to the plaintiff, a sum equal to the deposit was to be awarded to the plaintiff, and added to the decree given in his favour; but if part only of the plaintiff's claim was decreed to him, a sum bearing the same proportion to the money or value of the thing decreed as the deposit did to the demand laid in the complaint, was ordered to be adjudged and added to the decree, and recovered from the defendant, in the same manner as any other money, or the value of property, which might be awarded against him.

Appeals not to lie from the awards of arbitrators.

Exception.

XXV. On the 30th of August 1790, it was ordered that appeals should not lie from decrees founded on the awards of arbitrators; unless the party desirous to appeal should establish, by the evidence of two credible witnesses, corruption, or gross partiality, against the arbitrators.

XXVI. On

Length of intermediate possession required to found a decision on for zemindarry rights.

XXVI. On a query submitted by the Judge of the Moolky Dewanny Adawlut, respecting the term of intermediate possession subsequent to the period of limitation specified in Clause Third, Section XV., which should be construed as entitling a person to prosecute for permanent reinstatement, the Resident, on the 4th of September 1790, informed him, that possession during one year since such period, and the prosecuting party having closed the collections, were necessary for that purpose, and that an interrupted tenure of one, two, or four, or more months, was not to be considered sufficient.

Further rules as to securities in suits.

XXVII. On the 11th of September 1790, the several courts (excepting the court for the city of Benares) were instructed by the Resident to take hazerzaminy, or security for the appearance of all plaintiffs in civil suits; and they were further informed, that (besides the security required in zemindarry suits by Section XXII.) the sureties for the defendants were to be bound not only for the parties being forthcoming, but that such defendants, after the court's judgment had passed, should either abide by and perform the requisitions thereof, or appeal from it according to the Regulations; in default of which, such surety or sureties were to stand engaged to make good whatever part of the plaintiff's claim should have been so established. This rule was extended to the court of the city of Benares.

Vakeels of Aumils not to practise as court Vakeels.

XXVIII. On the 19th of September 1790, the Vakeels of Aumils were prohibited from practising as Vakeels in the Moolky Dewanny Adawlut.

Canongoes to hold the temporary management of lands sequestered by the Adawlut.

XXIX. To save the expense of management to parties prosecuting for zemindarries, the Moolky Dewanny Adawlut was instructed, on the 21st of October 1790, to make it a general rule to appoint the Canongoes to hold the charge of such revenue lands as might, under the process of that court, be temporarily attached pending the suit, in consequence of the nature of the tenure of the litigating parties.

Prohibition of the use of certain oaths in the practice of the courts.

XXX. The Judge of the Moolky Dewanny Adawlut having requested to be informed whether in the practice of the court he might admit the oaths in use amongst the Hindoos, which rest the proof of the fact to be determined by the contingency of any evil or misfortune befalling, within a certain number of days, the family, connexions, or property of the party swearing, he was acquainted, on the 1st of February 1791, that such oaths were not to be admitted.

Restrictive rule in respect to zemindarry claims in Kuswar.

XXXI. On the 14th of February 1791, the Moolky Dewanny Adawlut was prohibited from taking cognizance of claims to zemindarries in the Rajah's family pergunnah of Kuswar, unless such claims were expressly referred to it for that purpose.

Application of the rules in respect to zemindarry rights against claimants prosecuting for larger interests therein than they held previous to the period of limitation.

XXXII. In the case of a zemindarry the property of Mahomedans, in which there were several partners, but which was held and managed by one of them as the principal who made his partners some allowance out of the produce, but not in proportion to their respective shares, the Judge of the Moolky Dewanny Adawlut having, on the 3d April 1791, desired to know whether the claim of the partners to be put in possession of their full shares might be admitted, he was answered in the negative, and that such partners could not be entitled to any thing more than they had enjoyed within the period limited in Clause Third, Section XV., for the general restoration of landholders.

Period of limitation in regard to disputed boundaries.

XXXIII. The restoration of the village Zemindars at the conclusion of the permanent settlement in the year 1197, corresponding with the years 1790-91, having given rise to many disputes between them concerning the boundaries of their several estates, a proclamation was issued on the 7th of April 1791, declaring that all lands and ground were to remain as they stood annexed and possessed up to the year 1182 Fussily (ending in September 1775), and that no claims were to be admitted contrary to this principle; with the exception of such cases as having originated antecedently to the year in question, were then still in a course of inquiry, either by arbitration or otherwise, under the authority of the existing native Government, and still remained unadjusted: in such cases, it was determined that the Resident, on the application of the parties, might refer the hearing of the cause to the Adawlut, which was thereon to take cognizance of the suit, and to decide it according to justice, without reference to the period of limitation.

Exception.

Rule made general for levying russoom or commission on causes.

XXXIV. On the 18th May 1791, the rules in Section XXIV. for levying russoom or commission on civil suits were extended to all the other courts within the zemindarry, including the court of appeal.

Further rules for the guidance of the Moolky Dewanny Adawlut, in respect to suits for the recovery of zemindarry rights.

XXXV. *First.* In continuation of the provisions in Sections XV., XXVI. and XXXII., for ascertaining the right of dispossessed Zemindars to prosecute for their reinstatement, the further rules in the following clauses were passed on the 5th of June 1791, for the guidance of the Moolky Dewanny Adawlut.

Putteedars entitled to claim reinstatement, on the foundation of any of their brethren having held possession within the limited period, either as landholders or farmers;

Second. The possession, within the period limited in Clause Third, Section XV., of any one or more of the Putteedars or sharers, in any one or more puttees or shares in a talooka, village, or zemindarry, either as Zemindar or farmer, is to entitle to restoration all the other persons having a right to claim as Putteedars of that talooka, village, or zemindarry, whether such puttees were distinct or common.

and whether or not the Putteedar in whose right the claim is preferred shall think fit to join in it.

Third. Possession, within the period limited in Section XV., is to entitle to restoration the partners of any Putteedar, or partner, having held such possession, although the Putteedar in whose person the right shall thus have been obtained may not think fit to join the other Putteedars in suing for it.

Circumstance under which Maliks or proprietors may exclude farmers who are joint tenants with them.

Fourth. In the case of a Malik or proprietor of land being in possession as a farmer in partnership with another, who claims no right of property but who holds merely as a farmer, the renting partner, who is also Malik or proprietor, on indemnifying his farming partner for all losses he may, in the judgment of the court, have sustained by the tenure, shall be competent to remain singly in possession, as proprietor, to the exclusion of the farming partner.

Any Putteedars regaining possession to entitle all the others to reinstatement, how long soever dispossessed,

Fifth. Any Putteedar or partner regaining possession, is to entitle all the other Putteedars to re-enter likewise, although these last may not have held possession within the period limited under Section XV.

and whether the party, in virtue of whose right from possession the claim is made, be alive or dead.

Sixth. The heirs of deceased Zemindars, who shall have had possession within the period limited under Section XV., may sue for, and are entitled to restoration.

Seventh.

Separations and annexations of land prior to 1182 Fussily not alterable.

Seventh. No Zemindar shall be entitled, in consequence of his restoration to any village or estate, to recover by suit in the Adawlut lands alleged by him to belong to such village, but which shall be known to have been separated therefrom and annexed to another estate, previous to the period limited for the general restoration of landholders in Section XV.

Claims to reinstatement founded on deeds of mortgage are to be rejected; residuary claim vesting in respect to such redeemed mortgages.

Eighth. Claims to land founded on the redemption of the mortgage thereof, but of which neither of the parties concerned in the transaction of such mortgage shall have been in possession within the period limited for the general restoration of the landholders under Section XV., are to be rejected; but such parties who shall thus have redeemed their own or their forefathers' zemindarries will be nevertheless entitled to restoration, under Section III., Regulation I. 1795, on the existing lease being avoided by the death, resignation, or removal of the farmer.

Rules for ascertaining the right to independence or separation, in the case of village Zemindars paying their revenue through a Talookdar.

Ninth. In the event of a Talookdar, previous to the period limited for the general restoration of landholders in Section XV., having taken in farm any part of, or the entire lands of another proprietor, who shall have since continued to pay the revenue of such lands to the said Talookdar, or through such Talookdar to Government, the landholder so situated shall not be entitled to be rendered independent of such Talookdar, unless he shall have paid his revenue separately from such superior during one complete year, within the period limited in Section XV.

Putteedars acquiescing in inferior interests within the period fixed for reinstatement to be bound thereby.

Tenth. In the event of one of the Putteedars, within the period limited for the general restoration of landholders in Section XV., having contracted as a principal for the revenue with Government, and made to his Putteedars or sharers some allowance in consideration of their right in the estate, this situation is not to entitle them to prosecute for personal possession or management of any part of such estate, or other or superior rights to those in which they had acquiesced.

Possession by agency to be considered the same in respect to the right to reinstatement as direct occupancy.

Exception as to certain Aymadars.

Eleventh. If a landholder prosecuting for restoration shall establish, to the satisfaction of the court, that he has *bonâ fide* held possession, although not in his own name but by another acting on his part as farmer or renter of the lands sued for, he shall thereby become entitled to reinstatement, in the same manner as if the tenure had been in his own name; unless the party thus suing shall be one of the dispossessed Aymadars, or one of their heirs, to the reinstatement of whom an exception is made in Regulation II. 1795.

What shall be deemed as a saving claim in respect to houses,

Twelfth. In cases of claims to the property in houses, if the claimant shall prove that, at any time within the period limited for rendering such cases cognizable under Clause Second, Section XV., he in anywise contested the right with the party in possession, it is to be considered sufficient to render his suit cognizable in the Adawlut.

and in respect to claims of debt.

Thirteenth. The recovery, within the period referred to in the last clause, of any part of a loan made previous thereto, is in like manner to entitle the creditor to prosecute for the residue of the debt, as in the cases specified in Section XII.

The receipt of any consideration in money or malikanah, within the period of limitation prescribed in Section XV., not to entitle a claimant to reinstatement in the land.

Fourteenth. The allegation of any dispossessed landholder, of his having received from the party in possession of the lands claimed by him, some consideration in money, or ground, as malikanah, is not to be held sufficient to entitle such party or parties to prosecute for reinstatement, if he or they shall not have had possession and paid the revenue for one complete year, within the period limited for the general restoration of landholders in Section XV.

Contingencies provided for anterior to, but occurring after the period of limitation for reinstatement, to be construed in favour of the claim.

Fifteenth. In the event of a widow, previous to the term limited under Section XV., having been left by the heirs of her late husband in the enjoyment of his estate for the period of her own life, the circumstance of such arrangement having thus taken place antecedently to the period for rendering causes actionable, is not to be a bar to the husband's relations prosecuting those of the widow to recover from them her husband's estate, as the cause of action was to be considered to have arisen from the date of such widow's demise.

Additional rule in respect to the process of causes in appeal.

XXXVI. *First.* On the 2d of July 1791, the following further clauses were added to the rules specified in Sections X. and XI., for appealing from the decisions of the several courts.

Second. Appeals are to be dismissed, if the russoom, and the security required from the parties presenting them, be not delivered in within ten days after the presenting the petition of appeal.

Third. Appellants neglecting to proceed with their appeals during fourteen days, or departing from the court without leave, shall be liable to have their appeals dismissed, as specified in Clause Second, Section X.

Rule in respect to cases founded on compulsive or irregular bills of sale passed since the Company's acquisition of the zemindarry in 1182 Fussily.

XXXVII. In a prosecution instituted on behalf of the parties interested in a bill of sale for land conveyed to the party in possession, under circumstances from which the prosecutors argued the invalidity of such deed of conveyance, the Judge of the Moolky Dewanny Adawlut passed a decree dismissing the suit, under the rules in Clause Third, Section XV.; it was signified to him by the Resident, on the 17th of July 1791, that the rules in question, as far as regarded landed property, having been enacted to regulate the admission or rejection of claims to zemindarry rights that had been resumed by the preceding native Government, and not having in view the claims of landholders or of individuals against each other, on pleas such as the present, of compulsive bills of sale, he was therefore desired to resume the hearing of this cause, and to try it on its merits, and of course all other causes in a similar predicament.

Causes dismissed to be reported.

XXXVIII. To enable the Resident to ascertain whether there were any suits, the circumstances of which, on principles of equity, might entitle the parties to have them referred for trial under the discretionary power vested in the Resident by Clause Second, Section XV., the Judge of the Moolky Dewanny Adawlut was directed, on the 3d and 15th of August 1791, to make a report to the Resident of all causes then about to be dismissed under the rule of limitation, and to direct the parties themselves to shew cause to the Resident why their suits should not be dismissed, that he might pass such order thereon as might seem to him proper.

General rule for plaintiffs to enter into securities to pay such costs and damages as might be awarded.

XXXIX. The Resident considering the hardship under which defendants in causes laboured, from there being hitherto no settled mode (except in zemindarry causes) of indemnifying them for the costs and charges incurred in the defence of unjust claims preferred against them, on the 14th of October 1791, a circular order was issued to all the Adawluts, to the same purport as the provision made for the guidance of the Moolky Dewanny Adawlut in respect to zemindarry causes, under Clause Fourth, Section XXII. And on the 30th of October 1791 it was ordered, that until such security be given, the defendant is not to be summoned, nor the plaintiff's petition to be proceeded on, except in cases in which the Judge may think it probable that the plaintiff prefers a just claim, but from indigence is unable to deliver in the required security.

Golah oath allowed of under certain restrictions, in respect so boundary disputes.

XL. On the 14th October 1791, the Governor General in Council was pleased to authorize the Resident to admit of the mode of trial by the golah oath, for the adjustment of disputed boundaries, in cases in which the parties, without having recourse to the regular process of the Adawluts, should voluntarily prefer this mode of decision.

Evidence of Hindoos to be valid in regard to Mahomedans.

XLI. On a question submitted by the Judge of the Moolky Dewanny Adawlut, stating that according to the Musselman law the evidence of Hindoos could not be legally received in causes relative to Mahomedans, and requesting instructions how to proceed; in consequence, the Resident acquainted him, on the 22d of March 1792, that in consideration of the state of society in this country, it was necessary to receive as valid the evidence of Hindoos in the causes of Mahomedans.

Judge not to correspond with suitors.

XLII. On the 18th of March 1794, in consequence of orders to that effect passed by the Governor General in Council on the 7th of the same month, the several courts were prohibited from corresponding with parties in causes, who were required to submit their representations to the court, either in person or by Vakeel; on which the Judges, respectively, were directed to pass such orders as they might think fit, leaving it to the suitors to have recourse to the court of appeal if they were dissatisfied with the orders so passed.

Engagements to be taken from Europeans prosecuting natives.

XLIII. On the same date, the courts were advised of the orders passed by Government on the 7th of March 1792, and furnished with the form of the security bond to be entered into by all Europeans, who might institute any suit against a native or natives in the courts in question, according to the prescribed form in Regulation XXVIII. 1793, extended to the province of Benares by Regulation XXIV. 1795.

Mode of redeeming mortgaged land.

XLIV. On the 26th of March 1794, it was made a general rule, that all persons desirous of redeeming mortgaged land should apply for that purpose to the Moolky Dewanny Adawlut, or to the court having the local jurisdiction, that the accounts of the mortgage being adjusted and any balance due discharged, the mortgage might be declared redeemed, and that on notice thereof from the proper court, the Resident might cause possession of the property to be delivered to the party thereby become entitled to it.

Parties not to sue in the courts in which they are Judges or officers.

XLV. On the 1st of April 1794, a rule was made to prevent the cause of any officer or servant of the several courts from being tried in the court to which he might be attached. Such causes were directed to be referred by the court, after the sanction of the court of appeal had been obtained for that purpose, to be heard in one of the other courts. This rule was also occasionally observed in instances where the parties applied to have their causes transferred from the court of one jurisdiction to that of another, under the plea that they expected to obtain a more speedy or just decision of their suits.

Time limited in respect to the sale of houses under decrees of the Adawluts.

XLVI. On the 4th of August 1794, it was made a general rule for the guidance of the courts, that the notice to be given of the sale of houses in satisfaction of decrees should not be less than fifteen days, and that this notice should be given by public advertisement, so as to allow sufficient time for parties who might have claims on such property to be apprized of the intended sale, and to prefer any objection they might have to offer to its taking place.

Rule in respect to the redemption of lands sold to Aumils for balances.

XLVII. On the 4th of January 1795, the rule established under Clause Third, Section XV., Regulation II. 1795, relative to such bills of sale as might have been made to Aumils for balances of the public revenue up to the 19th of September 1794 (when such conveyances were altogether prohibited), was communicated for the information and guidance of the Moolky Dewanny Adawlut.

Further general rules for limiting the period within which causes are cognizable by the several courts.

XLVII. On the 5th and 8th of September 1794, in pursuance of orders from the Governor General in Council under date the 15th of August preceding, the city court of Benares was restricted from entertaining suits in which the cause of action was of older date than twelve years; and with a view to reduce to one uniform rule the several orders relating to this period of limitation in respect to the other courts, as already stated under Sections VIII. and XV., a circular order and notification was written, on the 13th of January 1795, to the Moolky Dewanny Adawlut, and to the Dewanny courts of Mirzapoor, Juanpoor, and Ghazeepoor, prohibiting them from hearing claims of longer standing than twelve years, with the exceptions in regard to mortgages and bonds already specified under Sections XII. and XVII., and to zemindarry rights and claims to lands, as separately limited in the preceding sections of this Regulation; but at the same time providing, that when the complainant can show, by clear and positive proof, that he had made demand of the sum or matter in question, and that the defendant had admitted the demand, or promised to pay the money, or that he directly preferred his claim for the matter in dispute to the Hakim-ul-wukht, or magistrate for the time being, within that period, and without any default on his part that the suit had not been proceeded with; or show that, either from minority or other good and sufficient cause, he had been precluded from the means of procuring redress. All causes under these circumstances were to be heard, inclusive of all such claims as should be referred for that purpose by the court of appeal, and instructions to the same effect were issued to the city court.

Cases in which the requisition of securities in civil suits is to be dispensed with.

XLIX. On the 13th of January 1795, the rules in Section X., Regulation VIII. 1795, for dispensing with security in civil suits in the case therein mentioned, were issued to the city court and to the Moolky Dewanny Adawlut.

Rule relative to the lands formerly purchased by Abdullah, in the district of Ghazeepoor.

L. On the 19th of February 1795, the Judge of the Moolky Dewanny Adawlut represented that Sheikh Abdullah, the father of Ali Azeem Khan, having heretofore purchased several villages from the ancient Zemindars in the circar of Ghazeepoor, and the heirs of the latter having nevertheless obtained pottahs for such lands, at the conclusion of the permanent settlement in 1197 Fussily, such pottah-holders, or some of them, in bar to prosecutions being instituted against them by parties claiming to be their partners, alleged that, in consequence of their ancestors having sold the lands in question as aforesaid, they could be considered only as farmers, although the pottahs they had obtained were for zemindarry tenures. The Judge desiring instructions on this point, he was informed that, under the orders of Government of the 11th of April 1788, Sheikh Abdullah's purchases had been deemed void; and that, in consideration thereof, his representative, the above-named Ali Azeem Khan, now received a pension from Government, as reported by the Resident in his letter to the Governor General in Council of the 15th of May 1788, and therefore that he was to admit the said suits, and to hear, try, and decide them, according to the letter and import of the zemindarry pottahs held by the present incumbents.

Further rules as to issuing decrees;

LI. *First.* The city court of Benares was instructed to deliver or tender to all parties in civil suits, authentic copies of the decrees which might be passed in their causes, within eight days after the same might be passed, endorsing thereon the refusal of such of the parties as might decline to accept them; and this rule, as far as regarded the delivery of copies of the decrees, was subsequently extended to all causes previously decided. Similar instructions were given to all the other civil courts in the province.

as to receiving appeals,

Second. On the 7th February 1795, it was made a rule, that no petition of appeal should be admitted, unless the party had previously applied for and obtained a copy of the decree desired to be appealed from.

and as to appellants filing their objections.

Third. It was likewise made a rule, that appellants should deliver in their objections to the decree of the lower court within a fortnight after the admission of the appeal, or their appeals should be dismissed, in conformity to the spirit of the original rule to that effect in Clause Second, Section X., and of the further order in Clause Second, Section XXXVI.

Instances of civil causes referred to the Moolky Foujdarry Adawlut.

LII. Under the rule contained in Section XLV., the Resident occasionally referred civil causes, to be tried by the same process as in the civil courts, to the Moolky Foujdarry Adawlut. This court, however, had jurisdiction only in such suits of this description as were expressly referred to it by the Resident.

Rules for the guidance of the courts of justice, in respect to the opium contract and the rights of the contractor.

LIII. The rules in this section and the eight following sections, relative to the opium contract, were issued for the information and guidance of the courts of justice.

Penalty provided against the illicit provision of opium.

LIV. On the 21st of March 1790, the advertisement published by the Governor General in Council, under date the 19th of February preceding, was transmitted for the information and guidance of the courts of adawlut, in respect to that clause of it which prescribes the levying from natives a fine of three hundred and seventy-five rupees (half to be paid to the informer, and the other moiety to Government), for every maund of opium which they might be proved to have procured or provided, contrary to the regulations for limiting the provision of that article to the contractor.

Summary of the conditions of the existing contract.

LV. *First.* On the 5th of May 1790, the following summary of certain of the clauses of the then existing contract, and the regulations for the provision of opium within the zemindarry, was transmitted to the several courts for their information and guidance.

Second. " 1*st.* The contractor is to pay to the Ryots or cultivators for their " opium at the rate of two Benares sicca rupees and eight annas per seer, " each seer to weigh ninety-six Benares sicca rupees, and to make them "advances in the former established mode, and to deduct one chuttack per seer (equal to two seers and a half per maund) in consideration of the moistness of the crude opium when delivered into the godown.

Third. "2d. When the poppy has attained the proper growth, the quantity of opium produced is to be ascertained on the spot by the officer of the contractor, in concert with two or three creditable cultivators, who are to assist in forming the estimate. The cultivator is to execute an engagement to deliver the estimated quantity, together with any surplus which may be produced.

Fourth. "3d. The opium is to be fairly weighed by weights bearing the mark of the Resident, in the mode termed dherm dundy, so as to preclude the agents of the contractors from attempting to exact undue weight.

Fifth. "4th. In cases in which the short deliveries of the Ryot shall appear to have proceeded from calamity of season or other accident, and not from any neglect or fault on his part, the courts shall only adjudge him to restore a proportionate part of the advances made to him, with interest at the rate of eight per cent. per annum; if it shall be proved that the short deliveries have been owing to the negligence or other fault of the cultivator, he shall restore such proportional advance, with interest at the rate of twelve per cent. per annum; if it be proved that short deliveries have originated in the cultivators having embezzled or illegally disposed of the opium, he shall be subject to the payment of a fine of four sicca rupees per seer, and the opium shall be seized and confiscated; or if it cannot be found, the court shall award a fine of ten sicca rupees per seer.

Sixth. "5th. The above price of the commodity is to be paid to the Ryots in full, without any deduction being made by the officers of the contractor for tulbana, batta, aret, interest, or on any other plea or pretext whatsoever, under the penalty of the contractors being subject, on proof of any such deductions or exactions, to pay a fine of three times the amount of them."

Further rules for the guidance of the courts on this subject.

LVI. *First.* On the 18th of May 1790, the Judge of the Moolky Dewanny Adawlut having submitted certain queries respecting the opium contract, the Resident furnished him with the following instructions, as appearing to him consistent with the spirit of the conditions of the contract.

Penalty for Ryots disposing of the opium otherwise than to the contractor,

Second. In the event of a Ryot selling the crude opium to any person excepting the contractor, such Ryot, although the opium thus sold should be above or exclusive of the koot, or quantity estimated to be deliverable, under Clause Third, Section LV., is to incur a penalty of four rupees per seer in addition to the confiscation of the opium, or if the opium cannot be seized, ten rupees per seer.

or the produce of former years.

Third. For opium the produce of former years, sold otherwise than to the contractor, a fine of three hundred and seventy-five rupees per maund is to be levied from the seller, according to the proclamation published by the Governor General in Council on the 19th of February 1790.

Penalty against purchasers.

Fourth. Persons buying any quantity of opium from the growers, or otherwise than from the contractors, are to be liable to the payment of a fine of three hundred and seventy-five rupees per maund.

Fifth. These instructions were approved by the Governor General in Council on the 28th of May 1790, and were accordingly circulated for the guidance of the other courts.

Further order directing that, in addition to the penalty, the confiscation shall also take place of the opium of former years' produce attempted to be illicitly sold.

LVII. On the 24th of May 1790, on a further query from the Judge of the Moolky Dewanny Adawlut, the Resident informed him that the penalty for dealing in opium the produce of former years, as specified in Clause Third, Section LVI., was to extend only to the fine therein specified, and not to the confiscation of the opium. But on this answer being submitted to the Governor General in Council, he determined, on the 2d of June 1790, that the opium therein described should be confiscated, in addition to the exaction of the penalty, and the several courts were advised accordingly.

Consequences and penalty of bringing Behar or Oude opium to Benares.

LVIII. *First.* On the 17th of June 1790, the Resident transmitted the following answers to certain questions submitted to him by the Judge of the adawlut at Ghazeepoor.

Second, "That in the event of opium, the produce of the dominions of the "Nawaub Vizier, being seized in the zemindarry of Benares, and the owner "pleading ignorance of the Regulations existing against its importation, he "shall be permitted to retain it, on entering into good security that he will "not dispose of it in the zemindarry excepting to the contractor; but that if "opium the produce of Behar should be so seized, it was to be confiscated, "and the fine thereon levied according to the proclamation issued by the "Governor General in Council on the 19th of February 1790."

Opium contractor to carry on suits relative to his contract, without incurring the expense of russoom or commission.

LIX. On the 17th of September 1791, a rule was passed by the Resident, allowing the opium contractor to prosecute suits relative to his contract, without the payment of the russoom or commission on the amount of his claims. This rule was confirmed by the Governor General in Council on the 25th of April 1794.

Further queries from the Moolky Dewanny Adawlut in respect to the contractor's prosecutions for embezzlements and malversations, by his servants in the opium department.

LX. *First.* In December 1790, the Judge of the Moolky Dewanny Adawlut reported to the Resident the circumstances under which certain prosecutions had been brought by the opium contractor against his servants for alleged frauds and embezzlements, and desired that rules might be prescribed for his guidance, as those already issued did not appear to him to apply to the cases under litigation, which were as follow. 1st. For injuring the contractor in raising, or allowing to be grown, other articles, such as gool masuffer, in the poppy grounds, to the diminution of the produce in opium. 2dly. For embezzlements, by granting false receipts for, and making false entries of deliveries of the crude opium. 3dly. For embezzlements of cash, undue detention of the contractor's money, on plea of arrears of wages. The following rules were passed respecting the above cases on the 31st of December 1790:

Rules thereon.

Second. " 1st. If it has always been customary to sow gool masuffer among "the opium, and it shall not appear that the plaintiff prohibited this practice, "the defendant is not liable to any special penalty on this account. But if "the sowing of this article be a new practice, introduced by the agent of the "contractor for his own advantage, in such case an estimate is to be made of "the diminution of the produce of opium thereby occasioned, and the value "of such opium, appreciated at the bazar or market price, is to be awarded "to the plaintiff.

Penalty for diminishing the opium produce by unduly mixing other articles of growth in the poppy beds.

For fraudulent entries and mistated deli-

Third. " 2d. With regard to embezzlements committed by the servants of

" the

version of the crude material.

" the contractor, by their passing undue receipts for and entries of opium or " otherwise, as the Regulations against smuggling did not appear to apply to " such frauds, the Judge was instructed to award against the defaulters a " penalty equal to twice the bazar value of the opium ascertained to have been " so embezzled.

Servants to be secured in the receipt of their wages and to render accounts.

Fourth. " 3d. At the same time that the servants of the contractor are sub- " jected to the above penalties, they are to be secured in the receipt of their " full wages whilst in office, that is, until the period of their being replaced " by their successors, and are to be considered bound to render a fair and " just account of all sums or advances made to them by the contractor."

Rule as to the bazar values.

LXI. The Judge of the Moolky Dewanny Adawlut having applied to the Resident to know whether by the term of the bazar value in Clause Third, Section LX., that of the city of Benares, or the price paid by the contractors to the Ryots, was to be understood, he was informed, on the 3d of February 1791, that the opium was to be estimated according to its value in the bazar of Benares. This rule and that contained in Clause Third, Section LX., in consideration of the various circumstances under which these frauds were committed, so as to render one specific or general penalty inapplicable to each of them, were rescinded; and, in lieu thereof, the Judge was directed to award in all cases of this description such penalty for any fraud or frauds, or opium embezzlements, committed by the contractor's servants, as by the law of the religion of the party prosecuted might be ascertained to be equitable, according to the circumstances of each case, as established on the trial.

Repeal of this rule, and penalties in such cases to be in conformity to the law of the religion of the party prosecuted.

Penalties against illicit buyers declared to be the same as against the sellers.

LXII. The Judge of the Moolky Dewanny Adawlut, in consequence of certain suits instituted in the court, having represented that, although he had been instructed respecting the penalties that were to be levied for the illicit sale of opium, yet that those against buying that article had not been fixed, he was directed, on the 28th May 1792, to adjudge the same penalties against the purchaser as were prescribed for the seller. This order was in conformity to the proclamation issued by the Governor General in Council under date the 4th of March 1791, which had been previously circulated to all the Aumils for general information on the 9th of April 1791, and was afterwards communicated to the several courts, under date the 9th of June 1792; with instructions to cause to be paid, in the instance of the purchasers therein specified, one-half the fine to the informer and the other moiety to Government; but to pay to the contractor, as before, the whole of the fine leviable from the Ryot disposing of the opium. These further instructions were approved by the Governor General in Council on the 29th of the same month and year, and by his orders of this date, not only Ryots embezzling or disposing of opium otherwise than to the contractor, are declared subject to the penalties specified in Clause Fifth, Section LV., and Clause Second, Section LVI., but all Zemindars, Talookdars, or other landholders (when not themselves the purchasers or possessors of the opium, in which case they will be subject to the same penalties as Ryots carrying on an illicit traffic in opium) are to be liable to a penalty of ten rupees per seer, for all smuggled opium that may be proved to have been sold within the limits of their lands, with their connivance or knowledge.

Mode of appropriation of the penalties incurred by parties purchasing opium clandestinely.

Penalty against landholders conniving at the illicit sale of opium within their limits.

Rules for the administration of criminal justice under the residency.

LXIII. The preceding sections of the present Regulation comprehend all the principal rules for the administration of justice in civil causes, as successively framed during the existence of the residency. With regard to the administration of justice in criminal cases, by the orders of the Governor General in Council of the 29th of February, the 6th of August, and the 28th of November 1788, and the 10th of June 1789, the Resident was vested with authority to revise all trials and sentences passed by the native courts, and to sanction them if conformable to the Mahomedan law. The sentences thus approved were directed not to be referred to the Governor General in Council previous to their being carried into execution, excepting in cases in which the Resident might deem such reference necessary. No sentences, however, of a capital nature, or inflicting any severe punishment, were ever confirmed by the Resident, or carried into execution by the courts, until they had been previously approved by the Governor General in Council and directed by him to be enforced.

Brahmins convicted of murder to be transported beyond sea.

LXIV. *First.* It having been deemed objectionable to subject Brahmins within the zemindarry of Benares to capital punishment, for murder or such other crimes as, according to the Mahomedan law, rendered them liable to that punishment, the Governor General in Council, on the 8th of October 1790, ordered that such criminals should in future be liable to be transported to Prince of Wales' Island, to be kept there during the remainder of their lives. Public notice of this rule was accordingly promulgated on the 28th of December following throughout the zemindarry; and on the 29th of November 1793, that place of transportation was changed, by order of Government, for the Andamans, to which island, by a further order of the 6th of June 1794, all persons who may be hereafter sentenced to confinement for life, for murder, robbery, or theft, are declared liable to be transported for a shorter or longer period, according to the nature of the offence.

Penalty of banishment denounced against the families of Brahmins found guilty of slaughtering their women or female children.

Second. On the 7th July 1789, the Resident published throughout the zemindarry the order of Government of the 17th of June preceding, denouncing the further penalty of banishment against the families of Brahmins convicted of killing their women or children, in the cases and under the circumstances therein set forth, and as more fully particularized in Section IX., Regulation XXI. 1795.

Commutation in respect to sentences of mutilation.

LXV. The following rule was passed by the Governor General in Council on the 29th of April 1791: that, in future, where prisoners shall be sentenced by the criminal courts in the zemindarry to lose two limbs, such punishment shall be commuted for fourteen years' imprisonment and hard labour; and that in cases where prisoners shall be condemned to lose one limb, the punishment shall be commuted for imprisonment and hard labour for a period of seven years. This rule was accordingly notified to the several courts on the 10th of May following, for their information and guidance.

Rule of law to be observed in the criminal courts.

LXVI. *First.* On the 15th of July 1791, the Governor General in Council directed, that in all future trials for murder in the criminal courts of the zemindarry of Benares, the law officers should deliver the futwah according to the doctrines of Yusef and Mohummed.

How far the native inhabitants within the limits of the garrison of Chunar are liable to the jurisdiction of the courts of Benares in criminal cases.

Second. Agreeably to an order passed by the Governor General in Council, natives charged with the perpetration of murder within the limits of the fortress and garrison of Chunar, are to be delivered up, and tried in the criminal courts of the province of Benares: but lesser offences are to be left to be tried and punished in the garrison.

Police regulations under the residency.

LXVII. The preceding sections contain the principal rules for the administration of civil and criminal justice under the residency. The following relate to the general police of the zemindarry, and other miscellaneous matters connected therewith.

Prohibition against private servants appearing dressed like sepoys.

LXVIII. *First.* On the 14th of September 1787, a general prohibition was issued against natives dressing their Peons or other servants in the uniform of the Honourable Company's native troops, on pain of such persons being apprehended and punished. This rule was afterwards repeated, and extended, in a proclamation published by the Governor General in Council on the 26th May 1790, which comprehended the following clauses:

Second. "1st. All persons, Europeans or natives, within the Company's "provinces, which include the district of Benares (excepting the Vakeels "from the native powers), are positively forbid to dress any of their servants, "either for the purpose of parade or of business, in the uniform of the Honour- "able Company's Sepoys and Lascars, or in a dress so nearly approaching to "that uniform, as to enable the persons wearing it to impose themselves on "the country people for Sepoys and Lascars.

Third. "2d. All natives, excepting those actually in the military service of "the Company or belonging to the Vakeels of the native powers, are forbid "to wear a dress similar to that mentioned in the first article.

Fourth. "3d. Collectors of districts, Chiefs of factories, Commercial and "salt Agents, Magistrates, and other Company's servants in official capacities, "who are allowed establishments of Peons and Pikes, or who have occasion to "employ persons of that description, are prohibited from putting them in a "military dress.

Fifth. "4th. Native officers and sepoys, excepting Subadars, Jemadars, and "Serangs, even though in the service of the Company, who may temporarily "reside, or have occasion to travel in the interior parts of the country, unless "employed on the public service, are forbid to wear their uniform coats.

Sixth. "5th. By the operation of the foregoing articles, the use of a "military dress will be confined to natives in the military service of the Com- "pany (or to those belonging to the Vakeels of the native powers), and in the "interior parts of the country to such of them only, with the exception of the "commissioned officers specified in the fourth article, as may be employed on "public duties; and to secure the full effect of these orders, the military com- "manding officers of stations and of detachments in the interior parts of the "country, Collectors of districts, Residents, and Magistrates, are hereby "vested with authority, and are required to deprive any man of a military "dress, who shall presume to wear one contrary to these Regulations, unless "it shall appear that such man is in the service of the Company, in which case "if he be not employed upon duty, he is to be sent to the corps to which he "may belong with a written complaint against him.

Seventh. "6th. Military officers, or other persons to whom escorts may be "allowed when travelling through the country by land or proceeding by "water, are forbid to send Sepoys or Lascars into the villages for the purpose "of procuring any sorts of provisions, or of pressing Coolies and Dandies. "Every town and village, upon proper application to the chief person in it, "will, in consequence of instructions from the several Collectors to that end, "furnish such assistance in the above points as they may be capable of "affording, and by that means render forcible and violent measures entirely "unnecessary."

Eighth. On the 14th October 1792, the Aumils were enjoined to attend to the due accommodation of travellers, whether Europeans or Asiatics, as an essential part of their duty, for any failure or neglect in which they would be held accountable.

Penalty against begaree or constrained service.

LXIX. On the same date, a prohibition was issued against begaree, or the practice of individuals seizing and compulsively exacting service from artificers, masons, and other workmen or servants, under the penalty of the offenders being fined for such offence in a sum equal to double the usual wages of the person or persons thus put under constraint, to whom such fine is to be paid as an indemnification.

Prohibition against the use of compulsion in commercial transactions.

LXX. A general notification was published throughout the zemindarry, prohibiting all persons, whether British subjects or natives, from having recourse to any compulsion in carrying on trade, or forcing advances on the sellers, or taking the goods of any Ryot or trader through violence, under the plea of purchasing them.

Discontinuance of fines on new settlers, and on the sale of houses in the mart of Mirzapoor.

LXXI. *First.* It appearing to have been customary under the native Government to levy a tax or fine on all new settlers, as well as to receive one-fourth of the price of all houses sold in the town or mart of Mirzapoor, an order was issued to the Judge, on the 20th of April 1788, to discontinue these exactions.

Nature of the tenure held by the inhabitants of the Engrezee mohullah at Mirzapoor.

Second. The mart of Mirzapoor having increased considerably in extent and population, an entire new and extensive quarter has been added to it, under the name of the Engrezee mohullah. For the ground in this mohullah on which the houses are built, bukhsheshnamas or grants, on the payment of a small fine of entry to Government, were issued by the Resident, with the approbation of the Governor General in Council, exempting these tenements from all ground-rent in time to come.

Prohibition against persons from employing badged Peons.

LXXII. On the 2d of July 1788, the Governor-General in Council directed a publication to be issued prohibiting all persons (except the Resident, the Rajah, and the Judges) from employing badged Peons in the management of their private affairs, and requiring the officers of Government stationed throughout the country to apprehend all such persons and send them to the Resident, who was thereon to report the names of their employers to the Governor General in Council. Since the date of the publication, no person or persons, excepting those above specified, have been allowed to distinguish their Peons by badges, excepting the Commercial Resident, and occasionally the Opium Contractor.

How French and other European subjects are to be proceeded against if they commit any breach of the peace.

LXXIII. Under date the 12th November 1788, the Governor General in Council acquainted the Resident, in his capacity of Magistrate at Benares, that all Europeans, not British or French subjects, were equally amenable with the natives to the authority of the Magistrate within the said district, and to the jurisdiction of the Foujdarry courts, and that in the event of any acts being committed by French subjects, which had they been British subjects would render them objects of a criminal prosecution and trial in the supreme court of judicature, such French subjects were to be apprehended on information being lodged against them upon oath, and sent to the presidency, if there appeared grounds for the institution of a criminal prosecution against them.

Proclamation issued against the exportation of slaves.

LXXIV. On the 7th of August 1789, the Resident published the proclamation issued by Government on the 22d July preceding, prohibiting the purchasing or procuring natives of either sex, for the purpose of exporting them for sale, as slaves, to different parts of India, or elsewhere, and declaring that all persons who should in future be concerned, directly or indirectly, in this inhuman and detestable traffic, should be prosecuted with the utmost rigour in the supreme court at the expense of the Company; and if British-born subjects, that they should be forthwith sent to Europe; or if such person or persons should not be subject to the jurisdiction of that court, he or they, upon information being given to the local Magistrate, should be apprehended and kept in confinement, to be dealt with according to the laws of the country.

Abolition of the chunam and fire-wood monopolies.

LXXV. On the 10th November 1789, the exclusive privilege of providing chunam and fire-wood for the use and consumption of the city of Benares, which had been before let in farm, was abolished, and the traffic in these articles was rendered free.

Prohibition against the same Ryots cultivating on either side of the borders.

LXXVI. In consequence of the inconvenience and disputes which resulted from the same Ryots cultivating lands on both sides of the line of frontier between the district of Benares and the dominions of the Nawaub Vizier, this practice was prohibited on the 14th December 1790, and the Aumils under both jurisdictions were apprized accordingly.

Highways to be kept in repair by the Zemindars and farmers, within and throughout their respective limits.

LXXVII. On the same date, a circular order was addressed to the Aumils throughout the zemindarry, to cause the roads and highways to be kept in a due state of repair by the Zemindars and renters of each talooka or village, as far as such roads and highways should extend through their respective limits.

Prohibition against Raujekoomars killing their children.

LXXVIII. On the 23d December 1789, an engagement was entered into by the tribe of Raujekoomars, to renounce the practice which had long obtained among them, of suffering their female infants to perish under the circumstances specified in Section XIII., Regulation XXI. 1795.

Prohibition against the construction of new ghurries, or repairing those that are still standing;

LXXIX. On the 2d January 1790, a circular letter was written to the Aumils, requiring them to be attentive to prevent any Zemindar or farmer within their limits from constructing any new ghurry or fort, or repairing any of the existing forts, it being desirable that the latter might gradually become unserviceable as strongholds. The Aumils were at the same time instructed to endeavour to clear their several districts of the jungles and thickets, which had been in many instances purposely allowed to grow by the landholders, as places in which they might take refuge against the regular operations of the authority of Government. The clearing of these places was further necessary, as they afforded shelter to robbers and other ill-disposed persons.

and jungles to be cut down.

Establishment of Chokeydars for the protection of the Deccan trade.

LXXX. On the 12th March 1788, an establishment was formed for the protection of the inland trade carried on by the Deccan road to Mirzapoor. The persons appointed for that purpose have rendered themselves responsible for all robberies committed within their respective limits; and on the 13th March 1790, the number of guards on their establishment was increased to one hundred and thirty-nine, whose monthly pay is defrayed from the establishment of the custom-house at Mirzapoor.

Rules relative to the stone mehal.

LXXXI. *First.* On the 25th November 1789, in consequence of representations made to him by the Resident and the Commissary of bazars (which last-mentioned officer holds the exclusive management of the stone mehal), the Governor General in Council ordered that the receipts from this mehal be carried to the credit of the military fund, as heretofore; but that the Commissary should not be allowed to demand a higher price for the stones, than that for which they were sold previous to the year 1781.

Second. The stones required for the interior use of the country, such as pressing the sugar-cane and various domestic purposes, were directed to be continued to be furnished at the same reasonable rates as those at which the country people formerly procured them.

Third. The Governor General in Council further directed, that the duties claimed by the commanding officer at Chunar on boats passing the fort, were to be considered to have been annulled on the late general abolition of all interior imposts, and that, in future, no duties whatever were to be levied on boats and merchandize passing Chunar, either by the commanding officer or for the benefit of the military fund.

Farther rules for the stone mehal at Mirzapoor.

LXXXII. *First.* In consequence of disputes soon after ensuing between the farmer of the stone mehal and the inhabitants of Mirzapoor (over which place the exclusive rights of the farmer did not appear to have been before established, although he had occasionally sold stones there to individuals, without however having been able to prevent other dealers from carrying on the same trade), it appeared to the Resident, under these circumstances, that it would prove an adequate consideration to the farmer, if he were thenceforth allowed the exclusive privilege of furnishing the stones wanted by the inhabitants of Mirzapoor, at the prices specified in the first and second columns of the following comparative statement, being those which had been usually paid for stones by the said inhabitants, for their buildings and other domestic purposes; and orders were accordingly passed at Mirzapoor on the 13th March 1790.

COMPARATIVE

COMPARATIVE VIEW of the Price of different Stones, as collected from the Accounts of the Merchants of Mirzapoor, and from those of Seda Sheo Mier, the farmer of the Chunar quarries.

	According to the Accounts delivered in by the Beoparies.								According to the Accounts delivered in by Seda Sheo.								Difference.			
	Kaun Khereed, or Quarry Purchase.				Mundvy Khereed, or Mart Purchase.				Kaun Khereed.				Mundvy Khereed.				More, according to the farmer Seda Sheo.			Less, according to the farmer Seda Sheo.
		Rs.	As.	Dams.		Rs.	As.	Dams.		Rs.	As.	Dams.		Rs.	As.	Dams.	Rs.	As.	Dams.	
Janta, or grinding-stones for grain	12 Pairs.	1	0	0	8 Pairs.	1	0	0	12 Pairs.	1	0	0	8 Pairs.	1	0	0				
Chuckee, or smaller ditto	100 do.	5	0	0	100 do.	7	0	0	100 do.	5	0	0	100 do.	7	0	0				
Chowkas	1 Piece.	0	0	10	1 Piece.	0	0	12	1 Piece.	0	0	10	1 Piece.	0	0	12				
Hoorsa, or stone to bruise or powder sandel	1 do.	0	0	1½	1 do.	0	0	2	1 do.	0	0	1½	1 do.	0	0	2				
Selee kallan, or larger grinding-stones These are not prepared or cut, but merely the rough stones, as hewn out of the quarry.	100 do.	5	0	0	100 do.	6	0	0	100 do.	5	0	0	100 do.	6	0	0				
Selee mujbouly, or middling ditto	100 do.	2	0	0	100 do.	3	0	0	100 do.	2	0	0	100 do.	3	0	0				
Selee khord, or smaller ditto	100 do.	1½	0	0	100 do.	2	0	0	100 do.	1	8	0	100 do.	2	0	0				
Koloo, or sugar-cane stones uncut, 5 hauts long and 14 mushts broad, transporting the same to the river side	1 Piece.	9	0	0	No price, being always bought from the Goorcahs or Cutters.				Purchases at 9 Rupees, and sells at 13 ditto.								4	0	0	
Ditto 2d sort, 12 mushts broad and 4½ hauts long	1 do.	7	0	0	Ditto.	Ditto.			Purchases at 13 ditto, and sells 10 ditto								3	0	0	
Ditto 3d do. 10 do. and 4 do.	1 do.	5	0	0	Ditto.	Ditto.			Purchases at 5 ditto, and sells at 7 ditto								2	0	0	
STONES FOR BUILDINGS.		Rs.	As.	Ps.		Rs.	As.	Ps.		Rs.	As.	Ps.		Rs.	As.	Ps.	Rs.	As.	Ps.	
Dassa stones (large), 1 derreh breadth and 3 derreh in length, and 7 tessoo thick	5 Pieces.	1	0	0	1 Piece.	0	9	3	5 Pieces.	1	0	0	1 Piece.	0	13	0	0	3	9	
Chapeta, breadth 18 tessoo, length 3 derreh, 4 tessoo thick	7 do.	1	0	0	1 do.	0	5	3	7 do.	1	0	0	1 do.	0	8	0	0	2	9	
Awbhoet, do. 1 derreh, do. 3 do. and thickness 3 tessoo	4 do.	1	0	0	1 do.	0	7	0	4 do.	1	0	0	1 do.	0	12	0	0	5	0	
Boojowtee, do. 1 do. 4½ do. and do. 5 do.	4 do.	1	0	0	1 do.	0	10	0	4 do.	1	0	0	1 do.	0	14	0	0	4	0	
Dassa (small) brought on buffaloes, 9 tessoo in breadth, length 2½ derreh, and 4 tessoo thick. But if the merchant transports these by his own carriage from the quarries, he will then get twenty-four pieces of these small dassa per rupee.	12 do.	1	0	0	10 do.	1	0	0	12 do.	1	0	0	8 do.	1	0	0	2 Pieces.			
Puttera, breadth 15 tessoo, length 2½ derrehs, thickness 3 tessoos; the same as small dassa (the foregoing article) in all respects.																				
Puttee, breadth 1 dust or cubit, and 1 musht, and in length 2 dusts, thickness 1½ tessoo	100 Pieces.	3	0	0	100 Pieces.	5½ to 6 Rs.			100 Pieces.	3	0	0	100 Pieces.	6½	0	0	1½ to 1 R.			
Nul budderrow, do. 15 tessoos, length 5 derreh, thickness 12 tessoos	1 do.	1	0	0	1 do.	2	0	0	1 do.	1	0	0	1 do.	2½	0	0	0	8	0	
Khoonth, do. 15 do., length 5 do., do. 5 do.	2 do.	1	0	0	1 do.	1	0	0	2 do.	1	0	0	1 do.	2	0	0	1	0	0	
Khumba, do. 12 do., do. 3 do., do 12 do.	2 do.	1	0	0	1 do.	0	9	3	2 do.	1	0	0	1 do.	0	13	0	0	3	9	
Dhooka, or irregular and inferior stones	No price.	100 Cucha Bullock-Loads. ..			3 0 0				No price.				100 Bullock-Loads, Cucha	3 8 0			**Remark.** The difference in these prices arises from the greater or smaller loads on the bullocks; and not from the stones.			
Ditto (middling load of)	Do.	100 ditto			3½ 0 0				Do.				Do. do.	4 0 0						
Ditto (pukhta, or full load of)	Do.	100 ditto			4 0 0				Do.				No mention,							
Ditto		5 Cart Loads			1 0 0				Do.				6 Cart Loads,	1 0 0			1 Cart load.			
Ditto		6 ditto			1 0 0				Do.				7 do.	1 0 0			1 do. do.			

The difference in these cart-load prices depends also on the load, as smaller bullocks can bring but a smaller load, whilst larger and stronger bring more.

Concurrence of the inhabitants at Mirzapoor to purchase from the farmer of the stone mehal accordingly.

Second. At the same time, the inhabitants of Mirzapoor agreed to pay the farmer for the stones they might want according to the prices in the first and second columns of the preceding statement, as being those which they acknowledged to have been current previous to the year 1781.

The trade in dhooka stones left free.

Third. But with regard to the irregular shaped and inferior description of stones, called dhooka, which the Ryots and the poor had been invariably permitted to bring from the hills on their heads or on bullocks, or in carts, to be disposed of for their own benefit, it was declared that this petty traffick should continue as before altogether free, and independent of the farmer of the stone mehal; and the inhabitants of the town of Mirzapoor may accordingly purchase these dhooka stones from the dealers.

Hill people at liberty to procure stones for their own use as usual.

Fourth. The hill people are not to be required to pay any duty for the stones of any kind which they may want for their own use, and the farmer of the stone mehal is not to interfere with them.

Stones exported from Mirzapoor to be accompanied by the farmer's pass.

Fifth. To prevent any other person besides the farmer of this mehal from exporting stones from Mirzapoor, it was made a rule, that stones exported should be accompanied by the pass of the farmer.

Duty leviable at Chunar on stones thus exported.

Sixth. Stones exported from Mirzapoor are still liable (as prescribed by the order of the Governor General in Council passed on the 14th of June 1793) to a duty on passing the fort of Chunar, which is levied by the Commissary for the benefit of the bazar or military fund; whilst the custom-house, and all other duties or tolls on the exportation of this article, have been abolished, as referred to in Clause Third, Section LXXXI.

Reward for killing tigers, &c.

LXXXIII. On the 31st of March 1790, a reward of ten rupees was fixed for every tiger, bear, or other destructive and wild animal, that should be killed within the zemindarry.

Contribution payable by the inhabitants of the city of Benares, for cleansing and repairing the drains and watercourses within the city.

LXXXIV. The Magistrate of the city of Benares having reported that the drains and watercourses had been usually cleansed and repaired by a behree or cess levied on the inhabitants, equivalent to the expense, the Resident, on the 10th of July 1790, authorized the Magistrate to make such collection for the purposes in question, as far, and in such instances, as the inhabitants should voluntarily agree to contribute their respective quotas.

Regulation to protect weavers against the impositions of the Dellols and Dustoories.

LXXXV. In consequence of complaints preferred by the weavers in the circar of Ghazeepoor, of the impositions practised on them by the Dellols and Dustoories, orders were issued, on the 22d of March and 22d of July 1790, notifying that the weavers throughout the four circars composing the zemindarry of Benares were to be considered as having the option of carrying on their business, either through or without the interference of the above-named intermediate agents, and that they were at full liberty to bring their cloths into any bazar or market, and freely to dispose of them to the best advantage; and that no person was to presume, on any pretence, to fix any price on their goods; and that they were to sell their fabrics to whomsoever they might think proper, and for such price as they and the purchaser might mutually and voluntarily settle.

Scavenger's establishment in the city of Benares.

LXXXVI. On the 9th of August 1790, an establishment was entertained and placed under the control of the Magistrate of Benares for keeping the city clean, the expense of which was defrayed from the russoom or commission authorized by Sections XXIV. and XXXIV. to be levied on law-suits.

Prohibition of dhurna.

LXXXVII. The orders of the Governor General in Council, under date the 2d of November 1792, prohibiting the practice of sitting dhurna, were issued as specified in Regulation XXI. 1795.

Regulation respecting the shambles and liquor shops in the city of Benares.

LXXXVIII. In pursuance of the order of Government of the 12th of November 1792, measures were taken to promote the salubrity and improve the police of the city of Benares, by fixing on separate spots in the suburbs for the shambles and liquor-shops, and by cutting an extensive water-course to drain the superfluous waters from the back part of the town into the Burna rivulet.

Rules in the preceding sections to operate and to have force and effect under the new system of administration introduced into Benares, unless rescinded or altered by any printed Regulation passed on or after this date.

LXXXIX. The several rules detailed in the preceding sections, and especially those which relate to zemindarry claims and rights in Sections XV., XX., XXII., XXVI., XXXII., XXXIII. and XXXV., are to continue in force; with the exception of the whole or any part of such rule or rules as have been, or shall be either expressly repealed or altered by, or may be inconsistent with, any provision or provisions in any Regulation declared to extend to the province of Benares, passed on this date, and printed and published in the manner prescribed in Regulation XLI. 1793, or that may be hereafter passed, and so printed and published.

Exception with respect to the future decision of boundary disputes.

But with respect to the prescriptions in Section XXXIII., relative to boundary disputes, unless the separation and annexation shall be clearly proved to have taken place previous to the period referred to in Clause Seventh, Section XXXV., or a regular decree shall have been since passed by some competent court deciding the dispute, the courts, in future, are not to consider the mere lapse of time as a bar to their taking cognizance of such suits. As far as may be practicable, the courts are to procure all such disputes to be decided by arbitration; and in the event of any part of the lands included in the pottahs for the payment of the revenue assessed on the estates of either of the parties at the conclusion of the permanent settlement in 1197 being awarded to the other, either by arbitrators or by the courts, a proportionate part of the fixed revenue shall also become payable by the party thus acquiring the additional land, and the amount of such proportion shall be determined agreeably to the rules prescribed in Regulation XXVII. 1795.

How the records of, and the causes pending in the old courts, are to be transferred to the new.

XC. The records of the civil and criminal causes decided, and the papers and pleadings in those depending, in the courts of the city of Benares and the towns of Ghazeepoor, Juanpoor, and Mirzapoor, and in the Moolky Dewanny and Moolky Foujdarry Adawluts, are to be made over by the native Judges to the British Judges of the newly established courts to which they may belong, or in which they may be cognizable, according to the local jurisdiction assigned to the courts by Section IV., Regulation VII. 1795; and the native Judges are to obtain receipts in duplicate for such records from the British Judges respectively, and are to retain one copy of the receipts in their own possession, and to lodge the other with the provincial court of appeal established under Regulation IX. 1795.

How the judicial records in the native languages in the Resident's office are to be disposed of.

XCI. With respect to the records in the native languages in the possession of the Resident, in his capacities of Judge of the court of appeal and revision for hearing appeals from the decisions of the native courts and Magistrate, the Resident, or the senior of his Assistants on the spot, is to deliver over the former (with the exception of the records and papers in the causes specified in

Section XCIII.) to the provincial court of appeal established by Regulation IX. 1795, and the latter to the court of circuit instituted under Regulation XVI. 1795. The Register to these courts is to grant duplicate receipts for such records as shall be thus transferred, of which one copy is to be transmitted to the Register to the Sudder Dewanny Adawlut, and the other to the Register to the Nizamut Adawlut.

How the civil suits depending, and subjects of criminal prosecution, are, after the transfer of the records thereof to the new courts, to be proceeded with.

XCII. Upon this transfer of the records, the causes depending, whether civil or criminal, are to be proceeded with by the new courts, according to the Regulations passed on this date, or which may be hereafter passed, and printed and published in the manner prescribed in Regulation XLI. 1793. All proceedings held in the former courts on each undetermined suit or prosecution are to be preserved, and to make part of the record in such suits and prosecutions, and are to be allowed their full weight in the decision and judgment, as far as they shall appear to be consistent with the rules then in force for the administration of justice, as contained in the several sections of this Regulation.

In what manner undecided causes depending in the court of appeal and revision, superintended by the Resident, are to be disposed of, and when they are to be heard and decided.

XCIII. Causes depending and undecided in the court of appeal and revision superintended by the late Resident, are to be transferred by him, or by his senior Assistant on the spot, together with all the records and pleadings relative thereto (for which duplicate receipts are to be given and disposed of as prescribed with regard to the papers alluded to in Section XCI.), to the Judges of the newly established courts of adawlut in which they may be cognizable, according to the local jurisdiction assigned to the several courts by Section IV., Regulation VII. 1795, and the Judges shall revise these causes on the same principles as, under the rules in this Regulation, the Resident would have heard them in appeal. If the revising Judge shall think the proof or proceedings on either side defective, he is to call on the parties to supply the defects; and after making such further inquiry as he shall deem necessary, he is to confirm, alter, or reverse the decree of the native court, as may appear to him equitable. From any such decree of the revising Judge an appeal is to lie to the provincial court of appeal, under Regulation V. 1793 and Regulation IX. 1795, and eventually to the Sudder Dewanny Adawlut (if the cause shall be cognizable by that court), under Regulation VI. 1793, and Regulation X. 1795.

When the hearing of such undecided causes in appeal is to be proceeded with.

XCIV. The British Judges are to proceed to the hearing of the appealed causes alluded to in Section XCIII., on days to be specially appointed for that purpose, of which due notice is to be given to the litigating parties, that they or their authorized Vakeels may attend; and separate reports are to be made of the decisions passed by the Judges on these appealed causes, in the form prescribed in Sections XI. and XII., Regulation XVIII. 1793, extended to the province of Benares by Regulation XVIII. 1795.

What reports are to be made in respect to them.

What description of undecided causes in appeal from the native courts may be referred to arbitration.

XCV. With respect to such of the above-mentioned undecided causes in appeal as may be of the nature of the suits described in Section II., Regulation XVI. 1793, extended to the province of Benares by Regulation XV. 1795, the Judges, without regard to their amount, are to recommend to the parties to submit the same to arbitration, either with or without reference to the record of the first trial in the native court, as the parties may agree on; and the said Judges are respectively empowered, with the consent of the parties, thus to refer the decision of such undecided causes in appeal to one or more arbitrators, and to pass a decree conformably to the award, subject to all the rules relative to awards contained in Regulation XVI. 1793.

What part of these depending causes in appeal may be revised and decided on by the Register of the city court of Benares.

XCVI. As the greater number of the undecided causes in appeal, under the operation of the rule contained in Section XCIII., will be transferred to the court of the city of Benares, the Judge of this court is therefore empowered to authorize the Register to try and decide, in like manner as he might himself, all or any of the appealed causes in question, where the amount or value of the thing contested shall not exceed the sum of one thousand sicca rupees. The decrees which may be passed by the Register in such cases are to be attested with his signature and the seal of the court, and an appeal is to lie from them to the provincial court of appeal, in the same manner as if they had been revised and decided by the Judge.

A.D. 1795. REGULATION XXIII.

A REGULATION *for extending to the Province of Benares, Regulation XLVI.* 1793, *entitled* "A Regulation for admitting Persons of certain Descriptions to sue "in the Courts of Civil Judicature as Paupers:" PASSED *by the Governor General in Council on the 27th March* 1795 (*corresponding with the* 16*th Chyte,* 1201 *Bengal era; the 22d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the 22d Chyte,* 1852 *Sumbut; and the 5th Ramzaan,* 1209 *Higeree*).

I. THE reasons assigned in the preamble to Regulation XLVI. 1793, for admitting persons of certain descriptions to sue as paupers in the courts of civil judicature, in the provinces of Bengal, Behar, and Orissa, being equally applicable to the province of Benares, the following rule has been enacted.

Regulation XLVI. 1793, extended to Benares.

II. Regulation XLVI. 1793, is hereby extended to the province of Benares.

A.D. 1795. REGULATION XXIV.

A REGULATION *for extending to the Province of Benares, Regulation XXVIII.* 1793, *entitled* "A Regulation for prohibiting British Subjects (excepting "King's Officers serving under the Presidency of Fort William, and civil "covenanted Servants of the Company, and their military Officers) residing "at a greater Distance from Calcutta than ten Miles, unless they render "themselves amenable to the Courts of Dewanny Adawlut, in civil Suits "which may be instituted against them by any of the Descriptions of Persons mentioned in Section VII., Regulation III. 1793, and for enabling "British Subjects to recover any Demands recoverable under the Regulations which they may have upon such Persons:"—PASSED *by the Governor General in Council on the 27th March* 1795 (*corresponding with the* 16*th Chyte,* 1201 *Bengal era; the 22d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the 22d Chyte,* 1852 *Sumbut; and the 5th Ramzaan,* 1209 *Higeree*).

I. IT being necessary, on grounds similar to those stated in the preamble to Regulation XXVIII. 1793, that the rules contained in that Regulation for prohibiting British subjects, with certain exceptions, residing at a greater distance from Calcutta than ten miles, unless they render themselves amenable to the courts of judicature, in civil suits instituted against them by persons amenable to those courts, for money or property not exceeding in amount or value five hundred sicca rupees, and also for enabling British subjects to recover demands, recoverable under the Regulations, which they may have upon such persons, should be extended to the province of Benares, the following rule has been enacted.

II. Regulation XXVIII. 1793, is hereby extended to the province of Benares.

Regulation XXVIII. 1793, extended to Benares.

A.D. 1795. REGULATION XXV.

A Regulation *for extending to the Province of Benares, Regulation XLVII.* 1793, *entitled* "A Regulation for providing for Differences of Opinion "between the Judges of the Provincial Courts of Appeal and Courts of "Circuit, and prescribing Rules regarding other Matters connected with "their official Situations:"—Passed *by the Governor General in Council on the 27th March* 1795 *(corresponding with the 16th Chyte,* 1201 *Bengal era; the 22d Chyte,* 1202 *Fussily; the 16th Chyte,* 1202 *Willaity; the 22d Chyte,* 1852 *Sumbut; and the 5th Ramzaan,* 1209 *Higeree).*

Preamble.

I. The provisions made in Regulation XLVII. 1793, respecting differences of opinion between the Judges of the provincial courts of appeal and the courts of circuit, in the provinces of Bengal, Behar, and Orissa, and the other matters specified in that Regulation being equally requisite for the guidance of the Judges of the provincial court of appeal and the court of circuit, in the province of Benares, the following rule has been enacted.

II. Regulation XLVII. 1793, is hereby extended to the province of Benares.

Regulation XLVII. 1793, extended to Benares.

A. D. 1795. REGULATION XXVI.

A Regulation *for extending to the Province of Benares, with Alterations, Regulation XXV.* 1793, *entitled* "A Regulation for the Division of Estates "paying Revenue to Government, and for allowing two or more Proprietors "of Shares of an Estate to hold their Shares as a joint undivided Estate:"—Passed *by the Governor General in Council on the 27th March* 1795 *(corresponding with the 16th Chyte,* 1201 *Bengal era; the 22d Chyte,* 1202 *Fussily; the 16th Chyte,* 1202 *Willaity; the 22d Chyte,* 1852 *Sumbut; and the 5th Ramzaan,* 1209 *Higeree).*

I. The rules prescribed in Regulation XXV. 1793, for the division of estates paying revenue to Government, and for allowing two or more proprietors of shares of an estate to hold their shares as a joint undivided estate, in the provinces of Bengal, Behar, and Orissa, with certain alterations, being considered equally applicable to the province of Benares, the following rules have been enacted:

Regulation XXV. 1793, extended to Benares with alterations.

II. The rules contained in Regulation XXV. 1793, for the division of estates paying revenue to Government, and for allowing two or more proprietors of shares of an estate to hold their shares as a joint undivided estate, in the several zillahs in the provinces of Bengal, Behar, and Orissa, are to be considered as the rules for the division and for the union of the shares of all such estates, in the province of Benares, with the following alterations.

Public revenue on the shares of estates to be divided, to be assessed agreeably to the rules prescribed in Regulation XXVII. 1795.

III. The public revenue to be assessed on each estate into which the property may be ordered to be divided, is to be apportioned, in the province of Benares, agreeably to the rules prescribed in Regulation XXVII. 1795, instead of Regulation I. 1793.

Prescribed entries to be made in the quinquennial register and register of intermediate mutations, directed to be kept by Regulation XIX. 1796.

IV. The entries directed to be made in the quinquennial register and the register of intermediate mutations, in property ordered to be kept by Regulation XLVIII. 1793, are, in the province of Benares, to be made in the quinquennial register and register of intermediate mutations directed to be kept by Regulation XIX. 1795.

Putwarries refusing to deliver their accounts, &c. to be proceeded against in the manner prescribed in Section IX., Regulation XXVII. 1795.

V. Putwarries refusing to deliver their accounts, or otherwise acting contrary to the rules prescribed to them, are to be proceeded against in the manner specified in Section IX. Regulation XXVII. 1795, instead of Section LXII., Regulation VIII. 1793.

Rule substituted in lieu of Section XXVI.

Board of Revenue, or eventually the court of wards, to take care that the rights of females, or proprietors disqualified by natural defects or infirmities, are duly attended to in divisions.

VI. *First.* The following rule is substituted in lieu of Section XXVI.

Second. If any of the sharers in landed property ordered to be divided shall be females not deemed competent to the management of their own estates, or minors, or persons otherwise disqualified for the charge of their own lands, the Collector is to report the same to the Board of Revenue, or to the court of wards in the event of the authority of that court being hereafter extended to Benares, and the Board or court are enjoined to be careful that the rights of such proprietors are duly attended to in the division.

Rule substituted in lieu of Section XXVIII.

Joint landed property to be held responsible for the payment of the public revenue, until the parties are put in possession of the distinct estates into which it is to be divided.

VII. *First.* The following rule is substituted in lieu of Section XXVIII.

Second. Landed property, for the payment of the public revenue assessed upon which engagements have been or may be concluded with the proprietors, and that may be ordered to be divided under this Regulation, is to remain wholly answerable for the payment of the public revenue assessed upon it, until the division shall have been finally adjusted, and the proprietors put into possession of the distinct estates into which it may be ordered to be divided.

A.D. 1795.

A. D. 1795. REGULATION XXVII.

A Regulation *declaratory of certain Reservations made by Government, and of Rights preserved to the Proprietors of landed Estates, under the permanent Settlement of the land Revenue made in the Province of Benares; for allowing of the Transfer or Division of entire Estates, or Portions of Estates, and prescribing Rules for apportioning the fixed jumma on the several Shares of Estates which may be divided, or portions of Estates which may be transferred; and for continuing the Putwarries in the Discharge of their ancient Functions:* Passed *by the Governor General in Council on the* 27*th March* 1795 (*corresponding with the* 16*th Chyte,* 1201 *Bengal era; the* 22*d Chyte* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the* 22*d Chyte* 1852 *Sumbut; and the* 5*th Ramzaan,* 1209 *Higeree*).

I. Regulations I. and II. 1795, contain the rules according to which the settlement of the land revenue in the province of Benares, made for one year, and the quartennial and decennial settlements were concluded. By the first-mentioned Regulation, the decennial settlement has been declared permanent, and for the information and guidance of the Talookdars, Zemindars, and other actual proprietors of land, and all persons whomsoever, the following further rules respecting the permanent settlement are enacted.

Jumma which may be hereafter agreed to by proprietors whose lands are held amany, or let in farm, declared fixed for ever.

II. As the lands of some few Zemindars, and other actual proprietors of land, may have been continued amany or let in farm, in consequence of their refusing to pay the assessment required of them under the Regulations for the quartennial and decennial settlements, the Governor General in Council notifies to the Talookdars, Zemindars, and other actual proprietors of land whose lands are held amany, that they shall be restored to the management of their lands, upon their agreeing to the payment of the assessment which has been or may be required of them in conformity to the Regulations above-mentioned, and that no alteration shall afterwards be made in that assessment, but that they and their heirs and lawful successors, shall be permitted to hold their respective estates at such assessment for ever; and he declares to the Talookdars, Zemindars, and other actual proprietors of land whose lands have been let in farm, that they shall not regain possession of their lands before the expiration of the period for which they have been farmed (unless the farmers shall voluntarily consent to make over to them the remaining term of their leases and the Governor General in Council shall approve of the transfer), but that at the expiration of that period, or in the event of any such farmer or farmers forfeiting his or their leases by falling in arrear, or otherwise, such proprietors of land shall be reinstated, on their agreeing to the payment of the assessment which may be required of them, or (according to the nature of the case) to the conditions with respect to the arrear that may be due, as specified in Clause First, Section XVIII., Regulation VI. 1795, and no alteration shall afterwards be made in the said fixed annual assessment, but such proprietors of land, and their heirs and lawful successors, shall be allowed to hold their respective estates at such assessment for ever.

Jumma at which lands belonging to Government may be trans-

III. In the event of the proprietary right in lands that are or may become the property of Government being transferred to individuals, such individuals, and fessed to individuals declared fixed for ever.

and their heirs and lawful successors, shall be permitted to hold the lands at the assessment at which they may be transferred for ever.

Proprietors expected to improve their estates in consequence of the profits being secured to them.

IV. *First.* The Governor General in Council trusts that the proprietors of land, sensible of the benefits conferred upon them by the public assessment being fixed for ever, will exert themselves in the cultivation of their lands, under the certainty that they will enjoy exclusively the fruits of their own good management and industry, and that no demand will ever be made upon them, or their heirs or successors, by the present or any future Government, for an augmentation of the public assessment, in consequence of the improvement of their respective estates.

Conduct to be observed by the proprietors of land towards their Putteedars, under-renters, and Ryots.

Second. To discharge the revenue at the stipulated periods without delay or evasion, and to conduct themselves with good faith and moderation towards their Putteedars, under-renters, and Ryots, are duties at all times indispensably required by Government from the proprietors from whom the revenue is immediately receivable; and a strict observance of those duties is now more than ever incumbent upon them, in return for the benefits which they will themselves derive from the orders now issued. The Governor General in Council therefore expects, that the aforesaid proprietors of land will not only act in this manner themselves towards their Putteedars, under-renters, and Ryots, but also enjoin the strictest adherence to the same principles in the persons whom they may appoint to collect the rents from them, in whatever instances there may be occasion for such delegation of trust.

Government to enact such Regulations as they may think necessary for the welfare of the Putteedars, under-renters, Ryots, and cultivators, and proprietors not to withhold the revenue on that account.

V. *First.* It being the duty of the ruling power to protect all classes of people, and more particularly those who from situation are most helpless, the Governor General in Council, whenever he may deem it proper, will enact such Regulations as he may think necessary for the protection and welfare of the Putteedars, under-renters, Ryots, and other cultivators of the soil, and no Talookdar, Zemindar, or other proprietor of land, shall be entitled on this account to make any objection to the discharge of the fixed assessment which they may have respectively agreed to pay.

All internal duties that may be hereafter established, to belong exclusively to Government.

Second. The Governor General in Council having, on the 26th December 1787, directed the sayer collections to be abolished, and a subsequent settlement having been made with the proprietors of land, exclusive of the articles of collection given up by that abolition, he now declares, that if he shall hereafter think it proper to re-establish the sayer collections or any other internal duties, and to appoint officers on the part of Government to collect them, no proprietor of land will be admitted to any participation thereof, or be entitled to make any claims for remissions of assessment on that account.

Jummas that may be assessed on alienated lands held under invalid titles, to belong exclusively to Government.

Third. The Governor General in Council will impose such assessment as he may deem equitable on all lands at present alienated and paying no public revenue, which have been or may be proved to be held under illegal or invalid titles. The assessment so imposed will belong to Government, and no proprietor of land will be entitled to any part of it.

Police lands eventually resumable by Government.

Fourth. The jumma of those Zemindars, Talookdars, and other actual proprietors of land, which is declared fixed in the foregoing articles, is to be considered entirely unconnected with, and exclusive of, the produce of any lands set apart for the maintenance of Pheris, Passees, Ghorites, or other description of watchmen, employed in services of police; and the Governor

General in Council reserves to himself the option of resuming the whole or part of the produce of such lands, should he at any time hereafter think fit to exonerate the proprietors of the land from being responsible for the peace, and to appoint officers on the part of Government to perform the duties relating to the police now required from them. The Governor General in Council, however, declares, that the produce of lands which may in that case be resumed, will be appropriated to no other purpose but that of defraying the expense of the police, or providing a maintenance for the Pheris, Passees, Ghorites, or other description of watchmen employed therein.

Allowances that may be so resumed not to be added to the jumma, but to be collected separately and applied solely to the police.

Estates of dispossessed proprietors not liable to sale for arrears of assessment accruing whilst they are deprived of the management of them.

Fifth. Nothing in this or any other Regulation shall be construed to render the lands, of which there are dispossessed proprietors, liable to sale, for any arrears which have accrued, or may accrue, on the jumma that has been or may be assessed upon their lands, under the Regulations for the quartennial and decennial settlements, provided that such arrears have accrued, or may accrue, during the time that they have been, or may be dispossessed of the management of their lands. It is to be understood, however, that whenever all or any of the descriptions of dispossessed landholders shall be permitted to assume or retain the management of their lands, in consequence of the ground of their dispossession no longer existing, or of the Governor General in Council dispensing with, altering, or abolishing those Regulations, the lands of such proprietors will be held responsible for the payment of the jumma that has been or may be assessed upon them in perpetuity, from the time that the management may devolve upon them.

Proprietors declared privileged to transfer their lands without the sanction of Government.

VI. That no doubt may be entertained, whether proprietors of land are entitled, under the existing Regulations, to dispose of their estates without the previous sanction of Government, the Governor General in Council notifies to the Talookdars, Zemindars, and other actual proprietors of land, that they are privileged to transfer to whomsoever they may think proper, by sale, gift, or otherwise, their proprietary right in the whole, or any portion of their respective estates, without applying to Government for its sanction to the transfer; and that all such transfers will be held valid, provided that they be conformable to the Mahomedan or Hindoo laws (according as the religious persuasions of the party or parties making such transfer may render the validity of it determinable by the former or the latter code), and that they be not repugnant to any Regulations now in force, which have been passed by the British administrations, or to any Regulations that they may hereafter enact.

Provided the transfer be conformable to law, and not contrary to any existing Regulation.

Rules for apportioning the fixed jumma on portions of estates, in the event of their being disposed of at public sale, or transferred by the proprietors, and on shares of estates divided amongst the joint proprietors, upon the transfer or division being notified to the Collector, or other prescribed officer; and the jumma so adjusted declared fixed for ever.

VII. From the limitation of the public demand upon the lands, the neat income, and consequently the value (independent of increase of rent obtainable by improvements) of any landed property, for the assessment on which a distinct engagement has been or may be entered into between Government and the proprietor, or that may be separately assessed, although included in one engagement, with other estates belonging to the same proprietor, and which may be offered for public or private sale entire, will always be ascertainable by a comparison of the amount of the fixed jumma assessed upon it (which agreeably to the foregoing declarations is to remain unalterable for ever, to whomsoever the property may be transferred), with the whole of its produce, allowing for the charges of management. But it is also essential, that a notification should be made of the principles upon which the fixed assessment charged upon any such estate will be apportioned on the several divisions of it, in the event of the whole of it being transferred by public or private sale, or otherwise, in two or more lots, or of a portion of it being transferred in one or in two or more lots, or of its being joint property, and a division of it being made among the proprietors; otherwise, from the want of a declared rule for estimating the proportion of the fixed jumma with which the several shares would be chargeable in such cases, the real value of each share would be uncertain, and consequently the benefits expected to result from fixing the public assessment upon the lands would be but partially obtained. The Governor General in Council has accordingly prescribed the following rules for apportioning the fixed assessment in the several cases above-mentioned; but as Government might sustain a considerable loss of revenue by disproportionate allotments of the assessment, were the apportioning of it in any of the cases above specified to be left to the proprietors, he requires that all such transfers or divisions as may be made by the private act of the parties themselves, be notified to the Collector of the revenue, or such other officer as Government may in future prescribe, in order that the fixed jumma assessed upon the whole estate may be apportioned on the several shares in the manner hereafter directed, and that the names of the proprietors of each share, and the jumma charged thereon, may be entered upon the public registers, and that separate engagements for the payment of the jumma assessed upon each share may be executed by the proprietors, who will thenceforward be considered as actual proprietors of land. And the Governor General in Council declares, that if the parties to such transfers or divisions shall omit to notify them to the Collector of the revenue of the province, or such other officers as may be hereafter prescribed, for the purposes before-mentioned, the whole of such estate will be held responsible to Government for the discharge of the fixed jumma assessed upon it, in the same manner as if no such transfer or division had ever taken place.

First. In the event of the whole of the lands of a Zemindar, Talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been or may be concluded, under the Regulations above-mentioned, being exposed to public sale by order of the Governor General in Council for the discharge of arrears of assessment, or in consequence of the decision of a court of justice, in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual produce, as the fixed assessment upon the whole of the lands sold may bear to the whole of their actual produce. This produce shall be ascertained in the mode that is or may be prescribed by the existing Regulations, or such other Regulations as the Governor General in Council may hereafter adopt, and the purchaser or purchasers of such lands, and his, or her, or their heirs, and lawful successors, shall hold them at the jumma at which they may be so purchased for ever.

Second. When a portion of the lands of a Talookdar, Zemindar, or other actual proprietor of land, with or on behalf of whom a settlement has been or may be concluded, under the Regulations before-mentioned, shall be exposed to public sale by order of the Governor General in Council, for the liquidation of arrears of assessment, or pursuant to the decision of a court of justice, the assessment upon such lands, if disposed of in one lot, shall be fixed at an amount which shall bear the same proportion to their actual produce, as the fixed assessment upon the whole of the lands of such proprietor, including those disposed of, may bear to the whole of their actual produce. If the lands sold shall be disposed of in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual produce, as the fixed assessment upon the whole of the lands of such proprietor, including those sold, may bear to the whole of their actual produce. The actual produce of the whole of the lands of such proprietor, whether the portion of them which may be sold be disposed of in one lot or in two or more lots, shall be ascertained in the mode that is or may be prescribed by the existing Regulations, or such other Regulations as the Governor General in Council may hereafter enact, and the purchaser or purchasers of such lands, and his, or her, or their heirs or successors, will be allowed to hold them at the jumma at which they may be so purchased for ever; and the remainder of the public jumma, which will consequently be payable by the former proprietor of the whole estate, on account of the portion of it that may be left in his, or her, or their possession, will continue unalterable for ever.

Third. When a Talookdar, Zemindar, or other actual proprietor of land, with or on behalf of whom a settlement has been or may be concluded, shall transfer the whole of his or her estate, in two or more distinct portions, to two or more persons, or a portion thereof to one person, or to two or more persons in joint property, by private sale, gift, or otherwise, the assessment upon each distinct portion of such estate, so transferred, shall be fixed at an amount which shall bear the same proportion to its actual produce, as the assessment upon the whole of the estate of the transferring proprietor, of which the whole or a portion may be so transferred, may bear to the whole of its actual produce. This produce shall be ascertained in the mode that is or may be prescribed in the existing Regulations, or such other Regulations as Government may hereafter adopt, and the person or persons to whom such lands may be transferred, and his, or her, or their heirs and lawful successors, shall hold them at the jumma at which they may be transferred for ever; and where only a portion of such estate shall be transferred, the amount of the remainder of the public jumma, which will consequently be payable by the former proprietor of the whole estate on account of the lands that may remain in his or her possession, shall be continued unalterable for ever.

Fourth. Whenever a division shall be made of lands, the settlement of which has been or may be concluded with or on behalf of the proprietor or proprietors, and that are or may become the joint property of two or more persons, the assessment upon each share shall be fixed at an amount which shall bear the same proportion to its actual produce, as the fixed jumma assessed upon the whole of the estate divided may bear to the whole of its actual produce. This produce shall be ascertained in the mode that is or may be prescribed by the existing Regulations, or such other Regulations as the Governor General in Council may hereafter adopt, and the sharers, and their heirs and lawful successors, shall hold their respective shares at the jumma which may be so assessed upon them for ever.

VIII. Nothing in this or any other Regulation passed previous to or on this date, shall be construed to authorize the public sale of the lands in any talookdarry or zemindarry, whilst the party or parties claiming the same, as the

Lands of ancient proprietors standing dispossessed under Section XII., Regulation II. 1795, not to be liable to be disposed of at public sale.

they may think proper, in cases in which it may appear to them unnecessary to entertain a separate Putwarry for each village.

Putwarries to produce all accounts required by the courts of judicature,

Third. The Putwarries in every estate are to produce all accounts relating to the lands, produce, collections, and charges of the village or villages, the accounts of which may be kept by them respectively, and to furnish every information and explanation that may be required regarding them, whenever they may be demanded by any court of justice, to adjust any suit that may be depending before the court between the proprietor or farmer of the estate and the Ryots, or any persons paying rent or revenue to them, or any other suit.

and also for the allotment of the public revenue, in the cases herein specified, when required by the Collector.

Cases in which the Collector is prohibited requiring accounts from Putwarries, and

penalty for breach of the prohibition.

Fourth. The Putwarries in each estate shall also produce the accounts specified in the preceding clause, and furnish every explanation and information that may be required respecting them for the allotment of the public revenue, agreeably to the principles laid down in this Regulation, in the event of the whole or any portion of the estate being directed to be disposed of at public sale, or being transferred by any private act of the proprietor or proprietors, or of the estate being ordered to be divided pursuant to a decree of a court of judicature, or where it may be a joint estate, in consequence of the request of one or more of the proprietors. But the Collector is not to require a Putwarry to attend him and produce his accounts but for the purposes above-mentioned, or in any other cases in which he may be expressly empowered to require them, by any Regulation printed and published in the manner directed in Regulation XLI. 1793, extended to Benares by Regulation I. 1795; and if the Collector shall require the Putwarry of any village or villages to attend him and produce the village accounts for purposes, or in cases in which he may not be authorized to inspect them, the court of Dewanny Adawlut, upon the circumstances being represented to it by the proprietor or farmer of the estate, is empowered to make an order to prohibit the Collector requiring the accounts, and in the event of his repeating the requisition to adjudge him to pay a fine to the proprietor or farmer of the estate, of such sum as to the court may appear proper, and to levy the fine in the mode in which the courts are empowered to levy fines from the Collectors, in the suits described in Section XXXIX., Regulation VI. 1795.

How the Collector and the courts are to compel the attendance of Putwarries.

Fifth. When a Collector shall require the attendance of a Putwarry for the examination of his accounts, either before him or any officer whom he may depute for the purpose, he is to serve such Putwarry with a written notice, under his official seal and signature, to attend with the accounts required, which are to be particularized in the notice. If he shall omit to attend with the accounts by the limited time, and shall not show good cause to the Collector for the omission, the Collector is authorized to represent the circumstances, through the Vakeel of Government, to the court of Dewanny Adawlut of the zillah, the Judge of which, provided there shall appear to him sufficient cause for so doing, may order such Putwarry to be committed to close custody until he produces the accounts. The courts are to observe the same process with Putwarries who may omit to attend with their accounts, when required for the adjustment of any matter or dispute before the courts.

Putwarries shall be required to swear to the truth of their accounts.

Sixth. Putwarries shall be required to swear to the truth of the accounts they may produce, when deemed necessary; and in the event of the Collector having occasion to proceed in person, or to depute an officer to examine any village accounts on the spot, the Judge, upon application being made to him for that purpose by the Collector, through the Vakeel of Government, may grant to him or to such officer, a commission to swear the several Putwarries whose accounts are to be inspected, inserting, in the commission the name of each Putwarry to be sworn. If the Collector shall have occasion to examine the accounts of a Putwarry at the station at which the court may be established, he is to cause him to be sworn before the court, if he shall judge it necessary to require him to make oath to the truth of his accounts.

Putwarries liable to be prosecuted criminally for swearing to false accounts in a court of judicature,

Seventh. If a Putwarry who shall have sworn to the truth of any account that he may have been required to produce before a court of justice, for the purpose of deciding any matter before the court, and the accounts shall afterwards be found to have been fabricated or altered, or not to be the true accounts, the Judge of the court is empowered to commit him to be tried for perjury before the court of circuit.

or before the Collector or his officer.

Eighth. If a Putwarry shall have been sworn before a Judge, or before a Collector, or the officer of a Collector, to any accounts that he may have been required to produce before the Collector or his officer, in a case in which the Collector may have been empowered to require him to produce such accounts, and the accounts shall afterwards appear to have been fabricated or altered, or not to be the true accounts, the Collector is empowered to employ the Vakeel of Government to prosecute such Putwarry for perjury.

Punishment for proprietors or farmers concerned in falsifying the accounts.

In the cases specified in this and the preceding clause, if it shall be proved to the satisfaction of the court, that the accounts were fabricated, altered, or changed, by the orders, or with the knowledge or connivance of the proprietor or farmer of the estate, the court shall impose such fine upon the proprietor or farmer so offending as may appear to it proper, upon a consideration of the case and the situation and circumstances of the offender.

How proprietors or farmers omitting to appoint Putwarries are to be proceeded against.

Ninth. Upon the accounts of any village being ordered to be produced, if it shall be found that no Putwarry has been appointed to keep the accounts of the Ryots, in conformity to the rules prescribed in Clause Second, the court, provided it be a case in which the requisition of the accounts may be authorized, shall fine the proprietor or farmer, for the first offence, in such sum as it may judge proper, upon a consideration of his or her situation and circumstances, and the nature of the case; and for the second offence, twice the amount of the fine for the first; and for the third and every subsequent offence, double the amount of the fine for the preceding one. If the accounts shall have been required by the Collector, he is to order the Vakeel of Government to sue the proprietor or farmer on the part of Government, under this section, for a breach of the rule in Clause Second.

Definition of the term proprietor or actual proprietor of land.

X. For the sake of precision it is hereby declared, that wherever the term proprietor, or actual proprietor of any talook, zemindarry, village, or other land paying revenue to Government, is or may be used, in this or any other Regulation extending to the province of Benares, and printed and published in the manner prescribed in Regulation XLI. 1793, such term is to be considered as applying to the person or persons holding under each separate lease or pottah from Government (whether he or they possess the entire proprietary right in such lands, or shall be only the principal amongst other Putteedars, distinct or common), whose name or names standing inserted in such pottahs, and who having executed the counterpart cabooleats, has or have thereby become immediately responsible to Government, as well for the payment of the revenue as for the performance of the other stipulations and conditions contained in the quartennial and decennial deeds of settlement; without however affecting or prejudicing the rights, distinct or common, of any Putteedars or sharers where any such shall exist, and which, in case of dispute with the Pottahdars or holders of the pottahs, are to be determined by the courts of Adawlut, according to what shall be ascertained to be the respective rights of the parties, agreeably to the principles of justice, and the laws, customs, and usages of the district, as referred to in Regulation II. 1795, as far as regards the parties in question.

A. D. 1795. REGULATION XXVIII.

A Regulation *for extending to the Province of Benares, Regulation XXXVI. 1793, entitled* " A Regulation for establishing a Registry for Wills and Deeds " for the Transfer or Mortgage of real Property :" Passed *by the Governor General in Council on the 27th March* 1795-*(corresponding with the* 16*th Chyte,* 1201 *Bengal era; the* 22*d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the* 22*d Chyte,* 1852 *Sumbut; and the* 5*th Ramzaan,* 1209 *Higeree).*

I. It being necessary, for reasons similar to those stated in the preamble to Regulation XXXVI. 1793, for establishing offices for registering wills and deeds for the transfer or mortgage of real property, in the provinces of Bengal, Behar, and Orissa, that offices for the registry of such wills and deeds should be established also in the province of Benares, the following rule has been enacted.

Regulation XXXVI. 1793, extended to the province of Benares.

II. An office shall be established in the city of Benares, and in the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor, for the registry of wills and deeds for the transfer or mortgage of real property, under the rules prescribed in Regulation XXXVI. 1793, for establishing similar offices in the cities and zillahs in the provinces of Bengal, Behar, and Orissa.

A.D. 1795. REGULATION XXIX.

A REGULATION *for extending to the Province of Benares, Regulation* XX. 1793, *entitled* " A Regulation for empowering the Zillah and City Courts, the Provincial courts of Appeal, and the Sudder Dewanny Adawlut, and the " Nizamut Adawlut, to propose Regulations regarding Matters coming " within their Cognizance:" PASSED *by the Governor General in Council on the 27th March* 1795 *(corresponding with the* 16*th Chyte,* 1201 *Bengal era; the* 22*d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the* 22*d Chyte,* 1852 *Sumbut; and the* 5*th Ramzaan,* 1209 *Higeree).*

I. IT being necessary, for reasons similar to those stated in the preamble to Regulation XX. 1793, that the Judges of the courts of civil and criminal judicature, and the Magistrates, in the province of Benares, should have the same power of proposing Regulations as is vested in the Judges and Magistrates in the provinces of Bengal, Behar, and Orissa, the following rule has been enacted.

Regulation XX. 1793, extended to Benares.

II. Regulation XX. 1793, is hereby extended to the province of Benares.

A.D. 1795. REGULATION XXX.

A REGULATION *for extending to the Province of Benares, Regulation XXI.* 1793, *entitled* " A Regulation for establishing in each Zillah an Office for " keeping the Records in the native Languages which relate to the public " Revenue, and prescribing Rules for the conduct of the Keepers of the " Records:" PASSED *by the Governor General in Council on the 27th March* 1795 *(corresponding with the* 16*th Chyte,* 1201 *Bengal era; the* 22*d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the* 22*d Chyte,* 1852 *Sumbut; and the* 5*th Ramzaan,* 1209 *Higeree).*

I. ON grounds similar to those stated in Regulation XXI. 1793, for establishing an office in each collectorship in the provinces of Bengal, Behar, and Orissa, for keeping the records in the native languages which relate to the public revenue, the following rule has been enacted.

Regulation XXI. 1793, extended to the province of Benares.

II. An office shall be established in the province of Benares for keeping all records and papers in the native languages, which in any respect relate to the public revenue arising from the lands, or other sources, in the jurisdictions of the city court and the zillah courts, under the rules prescribed in Regulation XXI. 1793.

A. D. 1795. REGULATION XXXI.

A REGULATION *for extending to the Province of Benares, with Modifications, Regulation XL.* 1793, *entitled* "A. Regulation for granting Commissions "to Natives to hear and decide civil Suits for Sums of Money or personal "Property of a value not exceeding fifty Sicca Rupees, and prescribing "Rules for the Trial of the Suits, and enforcing the Decisions which may "be passed upon them:" PASSED *by the Governor General in Council on the 27th March* 1795 *(corresponding with the 16th Chyte,* 1201 *Bengal era; the 22d Chyte,* 1202 *Fussily; the 16th Chyte,* 1202 *Willaity; the 22d Chyte,* 1852 *Sumbut; and the 5th Ramzaan,* 1209 *Higeree).*

I. THE Governor General in Council having deemed it advisable to grant commissions to natives in the province of Benares, for determining civil suits for sums of money or personal property not exceeding in amount or value fifty sicca rupees, for reasons similar to those which induced him to grant such commissions to natives in the provinces of Bengal, Behar, and Orissa, as stated in the preamble to Regulation XL. 1793; and it being necessary, in consequence of certain districts which surround the city of Benares and its suburbs having been included in the jurisdiction of the city court, that rules should be prescribed for enabling the Commissioners who may reside in those districts to officiate as Munsiffs, and the difference in the system of police in the province of Benares from that established in the provinces of Bengal, Behar, and Orissa, requiring that separate provisions should be made for the conveyance of the monthly and quarterly reports of the Commissioners to the Judges, and it being necessary that some variation should be made in the form of the commissions to be granted to the Commissioners in the province of Benares; the following rules have been enacted.

II. Commissions shall be granted to Mahomedans and Hindoos in the city of Benares, and the places adjacent subject to the jurisdiction of the city court, and in the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor, to try and determine suits for sums of money or personal property, not exceeding in amount or value fifty sicca rupees, under the rules prescribed in Regulation XL. 1793, respecting the city and zillah Commissioners in the provinces of Bengal, Behar, and Orissa, with the modifications specified in the following sections.

Regulation XL. 1793, extended to Benares with modifications.

III. All the Commissioners in the jurisdiction of the city court, whether residing within or without the city of Benares and its suburbs, shall be considered as city Commissioners; but the Judge of the city court, with the sanction of the Sudder Dewanny Adawlut, is empowered to nominate the Commissioners residing in that part of his jurisdiction which is without the limits of the city of Benares and its suburbs, to officiate as Munsiffs, as well as referees and arbitrators, in cases in which it may appear to him necessary.

All the Commissioners in the city jurisdiction to be considered as city Commissioners.

Commissioners residing out of the city of Benares and its suburbs may be appointed Munsiffs.

IV. In lieu of the provisions made in Section XVIII., for the conveyance of the monthly and quarterly reports of the Commissioners to the Judges, those reports, in the province of Benares, are to be enclosed in a cover addressed to the Judge of the city or zillah, and sealed with the seal of the Commissioner. The packet shall be forwarded to the Judge, either by the public

By what conveyance the Commissioners in the province of Benares are to transmit their monthly and quarterly reports.

public dawk, the officers of which are hereby required to receive and convey such packets free of postage, or by a servant of the Commissioner; or the Commissioner (if he be not himself a Tehseeldar) may deliver it to the nearest Tehseeldar, who shall give a receipt for it, and convey it to the Judge, with the monthly report which he is required to transmit to him in his capacity of Magistrate, by Regulation XVII. 1795.

Form of the commission to be granted to the Commissioners.

First. The following form of commission is to be granted to the Commissioners in the province of Benares, instead of that prescribed for the Commissioners in the provinces of Bengal, Behar, and Orissa, in Section VI.

Form.

Second. “ I., A. B., Judge of the Dewanny Adawlut of the city of Benares,
“ or the zillah of ...., in virtue of the powers vested in me by Regulation
“ XL. 1793, and Regulation XXXI. 1795, appoint you ....
“ Commissioner, with the powers of referee (Aumeen), and arbitrator (Salis),
“ and (if the Commissioner be appointed Munsiff also) Munsiff, for trying
“ and deciding suits for sums of money or personal property of a value not
“ exceeding fifty sicca rupees, which may be referred to you by the court in
“ your capacity of referee (Aumeen), or that may be submitted to you by
“ the parties by arbitration bonds, in your capacity of arbitrator (Salis), or (if
“ the Commissioner be a Munsiff also) that may be preferred to you, in the
“ first instance, in your capacity of Munsiff, against any individual coming
“ within the description of the persons subject to your jurisdiction, as
“ described in Clause Sixth, Section V., Regulation XL. 1793, and residing
“ in your estate, farm, jaghire, altumgah, or other lands, the rents and
“ revenues of which are collected by you. You are to fix up this commission
“ in the room or place in which you may try and decide the suits that may
“ come before you, in either of the capacities above-mentioned, and are not,
“ on any account, to try or decide any suit without so fixing up this commission,
“ or a counterpart or copy of it, under the seal and signature of the
“ Judge of the city of Benares or the zillah of .... You are to try and
“ decide all such suits, and to exercise the authority vested in you, agreeably
“ to the rules prescribed in Regulation XL. 1793, and Regulation XXXI.
“ 1795, or such other Regulations for your guidance as have been or may
“ be passed by the Governor General in Council, and printed and published
“ as prescribed in Regulation XLI. 1793. You are to exercise the powers of
“ Commissioner herein vested in you (if the Commissioner be a Cauzy) so
“ long only as you may hold the office of Cauzy of ...., or (if the
“ Commissioner be a proprietor of land) so long as you may be the proprietor
“ of the estate of ...., and pay the revenue assessed thereon to Government,
“ or (if the Commissioner be a farmer of land holding a farm immediately
“ of Government) so long only as you may hold the farm of ....,
“ or (if the Commissioner be a Tehseeldar or Sezawul, or the manager of
“ the estate of a disqualified landholder) so long only as you may hold the
“ office of Tehseeldar or manager of ...., or (if the Commissioner be
“ an under-farmer, or an officer entrusted with the collection of the rents and
“ revenues of any estate or land) so long only as you may hold the farm or
“ employment of ...., or (if the Commissioner be an Altumgahdar,
“ Jaghiredar, or a person vested with the management of an altumgah or
“ jaghire) so long as you may hold the altumgah or jaghire, or be entrusted
“ with the management of the altumgah or jaghire of ....”

A.D. 1795. REGULATION XXXII.

A Regulation *for enacting into a Regulation, the Terms of the Contract concluded for the Provision of Opium on account of Government in the Province of Benares, from the* 1st *September* 1793 *to the* 31st *August* 1797, *and for preventing illicit Trade in that Article:* Passed *by the Governor General in Council on the* 27*th March*, 1795 (*corresponding with the* 16*th Chyte*, 1201 *Bengal æra; the* 22*d Chyte*, 1202 *Fussily; the* 16*th Chyte*, 1202 *Willaity; the* 22*d Chyte*, 1852 *Sumbut; and the* 5*th Ramzaan*, 1209 *Higeree*).

I. In adjusting the terms of the contract for the provision of opium in the province of Benares, it was the object of Government, as in settling the terms of the contracts in the provinces of Bengal, Behar, and Orissa, to prevent this source of public revenue operating as an oppression on the Ryots, by depriving the contractors of the power of compelling any person to cultivate the poppy, and by ensuring to those who might voluntarily enter into engagements for that purpose the full price of the quantity of opium which they might deliver. It was at the same time necessary, that provisions should be made to guard against the contractors being defrauded by the cultivators, and also for preventing illicit traffic in opium, the terms of the contract as published on the 26th April 1793, and the provisions above alluded to, are hereby enacted into a Regulation.

Conditions of the contract.

II. *First.* The contract for the provision of the opium in Benares is to be held under the following conditions.

Governor General in Council at liberty to annul the contract if it should be disapproved by the Court of Directors.

Second. Art. 1*st.* In the event of the Court of Directors disapproving of the terms of the contract, or making any alteration in the mode of providing the opium in Benares, or relinquishing the provision of the same altogether, the Governor General in Council is to be at liberty to annul the engagements which may be entered into in consequence of this advertisement, from the end of the year or season (that is, the 31st of August) in which the orders notifying such disapproval, alteration, or relinquishment, shall be received in Bengal.

Four years the term of contract.

Third. 2*d.* The contract is to be for four years, commencing from the 1st of September 1793.

Quantity of opium to be annually delivered by the contractors.

Fourth. 3*d.* The contractor or contractors shall engage to deliver annually six hundred chests of opium of two maunds each, each maund containing forty seers, and each seer weighing seventy-six Benares sicca rupees and four annas.

Contractors to receive fifty rupees extra for each chest delivered above the stipulated quantity.

The contractors are to receive for every chest of opium of the above-mentioned weight, which shall be delivered by them over and above the stipulated quantity, the sum of fifty sicca rupees per chest, in addition to the contract price.

Contract to be for Benares sicca rupees.

Fifth. 4*th.* The contract is to be concluded for Benares sicca rupees, and the advances to the contractors are to be made in that specie, and no other specie is to be advanced by them to the Ryots. The advances are to be made to the contractors in the following proportions and at the under-mentioned periods:

Periods at which the advances to the contractors are to be made, and in what proportions.

In Assar	2	Sixteenths.
Sawun	3	ditto.
Bhaudoon	3	ditto.

Assun	3	Sixteenths.
Cautic	3	ditto.
Aughun	2	ditto.
	16	ditto.

Quality of the opium and the standard for determining it.

By whom the deliveries are to be compared with the musters, and disputes regarding the quality of the opium decided.

Sixth. 5th. The opium to be delivered in the first year of the engagement is to be equal in quality to a chest of approved Benares opium, delivered in the last year of the preceding contract; that of the second year is to be equal to approved Benares opium of the first; and a corresponding rule is to be observed with respect to the deliveries in the two years succeeding. Three chests of approved Benares opium, of the years from the supplies of which the musters are to be taken, will be deposited at the office of the Board of Trade, as a standard for ascertaining the quality of the opium delivered. The deliveries shall be compared with the musters by one of the members of the Hospital Board and a person appointed by the Board of Trade, and any disputes that may arise between the officers of Government and the contractors, regarding the quality of the opium, are to be determined by three creditable persons to be appointed by Government, who shall be bound by oath to decide impartially.

Penalty to be paid by the contractors for short deliveries.

Advances for the quantity deficient to be refunded with interest.

Contractors to pay no penalty on deficiences proved to have been occasioned by damages done to the crops by calamities of season,

but only to refund the advances with interest.

Period within which notice is to be given in such instances by the contractors.

Seventh. 6th. The contractors are to pay to the Company a penalty of three hundred sicca rupees per chest, for every chest of opium short of the stipulated quantity of which they shall fail in the delivery, and to refund the amount of the advances made to them for the provision of the quantity deficient. Should either the whole, or any part of such deficiency, be occasioned by hail-storms, hurricanes, or any other calamity of season affecting the crop, the contractors are not to be subject to the payment of the above-mentioned penalty for such part of the quantity deficient as they may prove, to the satisfaction of the Resident or the local agent of Government for the time being, and the Governor General in Council, to have been occasioned by such calamity; but they shall only refund the amount of the advances, with an interest of eight per cent. per annum, for the time they may have had the use of it. The contractors, within five days after such calamity shall have occurred, are to represent the same to the Resident, in order that he may take the necessary measures for ascertaining the loss occasioned thereby, as directed in Clause Fourteenth, Article Thirteenth: should the contractors fail to inform the Resident of such calamity within the period above-mentioned, no remission of the penalty will be allowed to them for deficiencies occasioned thereby in their deliveries.

Contractors to deliver to Government all the opium they may provide.

Penalty.

Eighth. 7th. The contractors are to deliver to the Company, or their agents, all the opium which they may be able to provide, and to pay a penalty of seven hundred and fifty sicca rupees per chest, for every chest of opium that they may sell, barter, or otherwise dispose of, to any other person or persons whomsoever.

Where the contractors are to deliver the opium.

Risk of transportation.

Ninth. 8th. The opium is to be delivered by the contractors at the office of the Board of Trade in Calcutta. The charges of package and manufacture, and th echarges and risk of transportation and delivery, are to be on account of the contractors.

Duties to be paid by the contractors on the imports and exports of opium.

Tenth. 9th. The contractors are to pay to the Rajah of Benares a duty of two and a half per cent. on all opium that they may import from the dominions of the Nabob Vizier, on the valuation that may be specified in his excellency's rowannah, and a duty of two and a half per cent. to the Company, on the valuation inserted in the Benares rowannah (which will be the same as that specified in the rowannah granted by the officers of the Nabob Vizier) upon its entering the Company's provinces. Upon all opium provided within the zemindarry of Benares, the contractor, upon the exportation thereof, is to pay to the Rajah a duty of two and a half per cent. on the valuation specified in the Benares book of rates, and a duty of two and a half per cent. on the same valuation to the Company, upon its entering the province of Behar.

Contractors for the opium in Benares not to provide any opium the produce of Bengal and Behar.

Penalty.

Eleventh. 10*th.* The contractors are not to import or provide any opium, the produce of Behar or Bengal, under pain of the same being confiscated.

Price to be paid by the contractors for the opium.

Ryots to have the option of cultivating the poppy or not, as they may think proper.

Surplus that may be taken from the Ryots by the contractors, in consideration of the crude state of the opium at the time of its delivery.

Twelfth. 11*th.* The contractors are to pay to the Ryots two Benares sicca rupees and eight annas for each seer of pure opium, weighing ninety-six Benares sicca rupees; and to advance the same to them at the customary periods. It must, however, be clearly and particularly understood, that the Ryots are to have it entirely at their option to cultivate the poppy or not, as they may think proper. The contractors are to be allowed to take from the Ryots, exclusive of the above weight, a surplus of one chattack per seer, making two and a half seers per maund, as an allowance for the drying up and wastage of the crude material before it is made into cakes. This allowance, however, is not to be exacted by the contractors until the end of the year, or towards the ultimate settlement of accounts.

Engagements which the contractors may enter into with the Ryots.

How the produce to be delivered by the Ryots is to be ascertained.

Thirteenth. 12*th.* The contractors, or their agents, at the season for sowing the poppy, are to be allowed to take engagements from the cultivator for the specific number of begahs to be cultivated only, but not for the specific quantity of opium to be produced in those begahs. When the poppy shall be full grown, the contractors are then to depute their agent, who with the cultivator shall proceed into the field, and with the assistance of two or three other creditable cultivators form the estimate of what such field is to produce; whereupon the grower shall enter into an engagement to deliver so much, and should the field produce more, to deliver that also *pro rato.*

How losses in the produce are to be inquired into.

At the expense of the contractors.

Fourteenth. 13*th.* In the event of the crops being injured by hail or any other calamity of season, either previous or subsequent to the period when the estimate of the produce directed to be formed in the preceding article shall have been completed, the Resident, or the local agent of Government for the time being, is, upon application being made to him by the contractors (within five days after such calamity shall have happened) to depute an Aumeen to ascertain, in conjunction with the agents of the contractors and the Ryots, the actual extent of the loss occasioned thereby. The charges of Aumeens so deputed are to be defrayed by the contractors.

How the Ryots' deliveries to the contractors are to be weighed.

Weights to be marked and penalty against using others.

Fifteenth. 14*th.* The scales and weights made use of by the contractors or their agents, in weighing the opium received from the Ryots, are to be sealed with the seal of the Resident, or the local agent of Government for the time being, and examined annually by him, or by such person as he may think proper to appoint for that purpose, during the course of the month of January. The contractors, or their agents, making use of weights or scales not so sealed, or of uneven scales or deficient weights, although sealed, are to be liable to such fine as the Resident, or the local agent of Government for the time being, may think proper to impose. In weighing the opium, the scales are not to be held up in the hands of the Dundeedars, or native weighmen, but the opium is to be weighed in the presence of both parties, in the mode known under the denomination of dherm dundee (or fair and conscientious weighing), by the scales being poized on a wooden stand fixed in the earth.

Stipulations concerning Ryots who may not deliver the full amount of opium agreed for.

Sixteenth. 15*th.* In the event of the cultivator failing to deliver in the full quantity of opium agreed for by him, in the manner specified in Clause Thirteenth, Article Twelfth, the following consequences are to ensue.

In case of the short delivery not proceeding from the fault of the Ryot.

Seventeenth. If such failure be occasioned by no fault on his part, he is only to refund the proportional part of the advances received by him, with interest at the rate of eight per cent. per annum for the time he had the use of it, and without any mulct, penalty, or fee whatsoever.

In case of short delivery proceeding from the fault of the Ryot.

Eighteenth. If the contractors suspect or believe the cause of failure to be in the wilful neglect or embezzlement of the Ryot, they are to complain to the judicial power, that is to the adawluts, or directly to the Resident; and upon proof of its being owing to neglect, the Judge or Resident is to award that the Ryot shall restore the proportional advance, with interest at the rate of twelve per cent. per annum; and if from embezzlement, or otherwise disposing of it, the Resident or Judge is to punish such offence by imposing a fine of four sicca rupees per seer, and confiscating the opium, if it can be seized, and where it cannot be seized, by imposing a fine of ten sicca rupees per seer, to be levied by the mode of process laid down in the judicial regulations for the enforcement of decrees.

Exceptions and qualifications, in respect to the Ryots having at the time unliquidated advances from the contractors.

Nineteenth. The Ryot is to be liable to no penalty for breach of contract (unless in the case of embezzlement), where it shall not appear and be proved that he had in his hands at the period of the failure unliquidated advances from the contractors; but where he wilfully embezzles the crude material, by selling it to others, although without having at such time any advances of the contractors in his hands, the contractors are to complain against him to the Resident, or the court of adawlut of the district in which such person shall reside, and the Resident or Judge shall punish such offence in the mode pointed out in Clause Eighteenth.

Penalty and mode of determining in respect to cases where the Ryots may mix water with the crude material, in the view of unfairly increasing its weight,

Twentieth. Where the Ryot mixes water with the crude material, with a view to increase the weight of it, and brings it in that state to be delivered, the contractors or their agents shall appoint two or more head and creditable opium-growers to decide, on their dherm or conscience, what surplus quantity shall be taken for such increase of weight by the undue admixture of water; and the parties shall abide by their award, unless it shall be proved, to the satisfaction of the Resident or Judge, that the arbitrators have been guilty of partiality.

or by adulterating it by the admixture of other substances.

Twenty-first. Where the crude material shall be delivered in by the growers in an adulterated state by the admixture of foreign ingredients (exclusive of the water noticed in the preceding article), the contractors are immediately to seize on and declare the same confiscated, sealing it up at the same time in the Ryot's presence, and under his mark, depositing it also in a secure and separate place, and leaving the Ryot to have recourse against him to the judicial power; for which purpose they are to keep the said opium thus sealed up for three weeks, and if in that time the Ryot lodge not his complaint it shall not be afterwards heard, but the contractors may then open the said opium and sell it for their own advantage for local consumption, they being liable, however, to such fine as Government may think proper to impose, should it ever be proved that they had made up any part of such adulterated and condemned opium in that which they were to deliver to the Company.

Prohibition and penalty, in case of the contractors or their agents levying or receiving any premium, aret, or dustoor, from the Queyrees or opium Ryots.

Twenty-second. The contractors, or their agents, officers, and servants, of every description, are positively prohibited from collecting any fee, premium, aret, or dustoor, on their engagements with the Queyrees or opium Ryots, on pain of paying three times the amount of all such exactions or receipts, together with the complainant's costs of suit, to be estimated by the Judge, on proof before the court; which fine is to be levied by the courts, not from the native receivers, but from the contractors or from their chief agent on the spot, leaving them to settle with their inferior agents thus offending; and the whole amount of this penalty, together with the costs of suit as above specified, are to be awarded by the Judge to the party from whom the exaction was made.

Course in which causes cognizable by the courts of justice under this Regulation are to be tried according to the rules in force during the existence, and since the abolition, of the general office of Resident.

Twenty-third. The contractors are to be amenable to the courts of justice in all matters relating to their contract. The contractors or their agents, and the opium cultivators, during the existence of the late office of Resident, had the option of lodging their complaints, in the first instance, before the native Judges of the mofussil courts, or immediately before the Resident, and complaints preferred in the native courts were appealable to the Resident, and complaints lodged before the Resident were appealable to the Governor General in Council, provided the amount of the suit was not less than the sum limited by the Regulations respecting appeals. But from the period of the abolition of the office of Resident (in which were united the authorities of Collector of the revenue and of Judge of the court of appeal from the native judicatures then established), the contractors and Ryots are to make their applications in the manner prescribed by the Regulations for the administration of justice in the province of Benares.

Penalty enacted against Europeans acting contrary to this Regulation, in illicitly manufacturing or buying opium.

III. All British subjects detected in acting contrary to the Regulations of Government, limiting the provision and manufacture of opium to the public contractors, upon proof of the offence shall forfeit the Company's protection and be sent to Europe; and any native guilty of the same offence, upon proof thereof being established in any of the courts of Dewanny Adawlut, shall be subject to a fine of three hundred and twenty-five Benares sicca rupees per maund, for every maund of opium which he may be convicted of having illegally provided, one-half to be paid to the informer and the other half to Government.

Penalties against natives for similarly offending.

IV. All persons not European British subjects, who may be proved to have purchased smuggled opium, or in whose possession smuggled opium may be found, shall be liable to the same fines as are imposed on Ryots selling or embezzling opium, *viz.* four sicca rupees, per seer, in addition to the confiscation of the opium when it can be seized, and when it cannot be seized ten sicca rupees per seer, recoverable in the Dewanny Adawlut by the process laid down in the judicial Regulations. Such fines, as well as the neat proceeds of the opium confiscated, are to be paid half to the informer and half to Government; and all Zemindars, Talookdars, or other landholders (when not themselves the purchasers or possessors of the opium, in which case they will be subject to the fines above-mentioned) shall be liable to the like penalty of ten sicca rupees per seer, recoverable and payable as aforesaid, for all smuggled opium which may be proved to have been sold within the limits of their lands, with their connivance or knowledge.

A.D. 1795. REGULATION XXXIII.

A REGULATION *for enacting into a Regulation the Rules passed relative to the Cultivation and Manufacture of Indigo, on behalf of, or by natural-born British Subjects, and other Europeans, having the Permission of Government to reside in the Province of Benares:* PASSED *by the Governor General in Council on the 27th March* 1795 *(corresponding with the* 16*th Chyte,* 1201 *Bengal era; the* 22*d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the* 22*d Chyte,* 1852 *Sumbut; and the* 5*th Ramzaan,* 1209 *Higeree).*

I. IT has long been an established rule, that no European shall hold lands in the interior parts of the country without the express permission of Government; and an adherence to this rule was considered particularly necessary in the province of Benares, where the reasons on which it is founded apply with additional force. Accordingly, when Government were first informed that the two first projectors of works for the manufacture of indigo in that province had, for the purpose of facilitating the raising of the plant, farmed one or more talooks, the Resident was immediately directed to dispossess them of such farm or farms; but in consideration of the heavy expense which they had incurred, and as it was presumed that the extension and cultivation of indigo, under proper regulations, might prove beneficial to the country at large, they were permitted, in the beginning of 1790, to continue their manufacture, and to make advances to such Ryots as might be willing to cultivate and furnish them with the indigo plant, as well as to hold land upon pottah from the Zemindars and farmers, in the same manner as other Ryots, for the purpose of cultivating the plant themselves. This special permission granted in consideration of the peculiar circumstances of these two manufacturers, and who had also entered on the business with the permission of Government, was afterwards erroneously construed as extending to all Europeans who might undertake the cultivation or manufacture of indigo in the province of Benares. Accordingly, between the last-mentioned period and the beginning of the year 1794, sundry other British subjects obtained and held grounds for the cultivation of indigo, without the knowledge or sanction of Government. The inconveniencies and evils which arose in consequence at length attracted the attention of Government, and on the 7th of March 1794 the Governor General in Council ordered that Europeans should not be allowed to acquire any landed property in Benares, exceeding what might be sufficient for the erection of houses or buildings for carrying on manufactures, nor be competent to hold a greater extent of land upon lease than might be sufficient for the same purposes. This order affecting materially the interests of the indigo planters who had established themselves in the province without the sanction of Government, they presented a memorial to the Governor General in Council setting forth the circumstances of their situation. Although the leases which they had procured for ground for the cultivation of the indigo plant, from having been obtained without the permission and sanction of Government, were liable to immediate resumption, the Governor General in Council, on the supposition that many of these individuals, from not being prohibited in the first instance from holding the lands, might have been induced to believe that they were not deviating from public regulations, and adverting also to the heavy loss which they might have sustained had they been compelled to relinquish the lands immediately, resolved, on the 23d of May 1794, to allow them the term hereafter specified for reaping the full benefit of any lands that they might have actually sown with indigo, and for enabling them to make the necessary arrangements with the Ryots or other individuals to furnish them with the weed, in the same manner as it is procured by the planters in Bengal. These rules, with the subsequent additions made to them, are now enacted into a Regulation.

Prohibition of further leases of land to Europeans.

II. Conformably to the restrictions alluded to in the preamble to this Regulation, on the 20th March 1794 a circular order was issued to the Aumils, forbidding any more ground to be leased to natural-born British subjects or to other Europeans, or conveyed to them by sale or otherwise, without the sanction of Government to be first had and obtained; and (lest the natives should misconstrue, and any of them make an improper use of this Regulation) it was at the same time ordered, that the Europeans were not to be dispossessed of what ground they now occupied without the Resident's sanction; and to enable him to pass his determination in all such cases, an account was ordered to be prepared of all such lands in the occupancy of Europeans.

Prohibition against receiving the public revenue through Europeans.

III. On the 22d of March 1795, the Resident notified to all the Aumils by a circular order, that as it was contrary to the intentions of Government that any part of the public revenue should be paid (excepting in amauny villages) through the medium of any Europeans, either for the ground in which they cultivated the indigo or on any other account, they (the Aumils) were prohibited from receiving the revenue through any other channel than that of the native Zemindars or farmers holding pottahs from Government, leaving it to them to settle with those who were indigo planters according to the existing engagements between the parties.

IV. *First.* On the grounds set forth in the preamble to this Regulation, and with a view to obviate or provide against the numerous complaints which the planting and manufacturing of indigo by British subjects had occasioned, the rules contained in the following clauses were passed by Government on the 23d of May and 4th of July 1794.

Leases of land to European indigo planters, of a date not subsequent to the 20th of March 1794, to be allowed to remain in force until the expiration of the period of the decennial settlement.

Second. " *Art.* 1*st.* That all existing leases of lands for the purpose of " cultivating indigo, actually and *bonâ fide* obtained before the 20th of March " 1794 by any European, be allowed to remain in force until they expire, " provided the term of them shall not extend beyond the period of the decen- " nial settlement.

All leases of a subsequent date declared invalid.

Third. " *Art.* 2*d.* That all leases obtained directly or indirectly by Euro- " peans, either in their own names or those of others, since the 20th day of " March 1794, be declared null and void, and that the lessees be immediately " dispossessed.

Penalty enacted in prohibition of such posterior leases.

Fourth. " *Art.* 3*d.* That, in future, no new leases for lands shall be entered " into, directly or indirectly, by any European; and that any such leases " shall be void, and the lessee not only be dispossessed, but be liable to be " ordered immediately to Calcutta.

Exception with respect to ground to construct indigo works or dwelling-houses on.

Fifth. " *Art.* 4*th.* After the expiration of the last year of the decennial " settlement, no European shall be permitted to rent or hold any land,

" directly or indirectly, either in his own name or that of others. This rule, however, is not to extend to land not exceeding fifty begahs, which Europeans shall be permitted to purchase or rent, for the purpose of erecting dwelling-houses, or buildings for carrying on manufactures, provided they previously obtaim the sanction of the Governor General in Council, through the Resident, to purchase or rent the land.

Prohibition against Europeans or their servants seizing bhoosa or any other article.

Sixth. " *Art. 5th.* If any native servant, or dependent of any British subject, or other European, shall intercept on the road, or otherwise unduly seize, any bhoosa or other property, he shall, on the party injured complaining to the Resident, and on the latter's seeing sufficient ground for such a mode of procedure, be committed by him for trial for such violence to the Foujdarry court, and besides suffering such punishment (in case of conviction) as the court may inflict, such servant shall be thereon rendered incapable of entering again within the district into the service of any British-born subject or other European, in any capacity whatsoever; and in all cases of undue seizure of bhoosa, or other property, as aforesaid, by any British subject or subjects, or by his or their servant or servants, on their behalf, it shall be the duty of the Resident, on the receipt of any complaint to this effect, to enter on a summary inquiry into the circumstances of the case; whereupon every such British subject shall strictly and without reserve conform to any requisition or order that he (the Resident) may thereon issue, for full restitution of the bhoosa, or other article, so detained, to the proper owner, as well as for the paying to the latter such indemnification and damages as the Resident may award.

Against British subjects pressing artificers and other workmen or labourers into their service.

Seventh. " *Art. 6th.* In the event of the servants of any British subject attempting to press into, or forcibly carry away for, their master's service, any artificers, workmen, or labourers, they shall be liable for every such offence to be themselves apprehended by the proper local officers of Government, and brought thereon to such trial or punishment as the laws of the country point out, besides being, in all cases where conviction shall ensue, rendered incapable (in like manner as is expressed in Clause Sixth) of acting again in the service of any European.

Against the undue and forcible felling of trees by Europeans.

Eighth. " *Art. 7th.* No British subjects shall be permitted to cut down any trees, unless the owner shall have previously and voluntarily sold them to him, and executed to him a writing attested by two credible witnesses, expressing his consent to the sale of the trees and the price of them.

European indigo planters to keep Vakeels to answer to complaints preferred against them,

Ninth. Art. 8th. The Regulations of the 7th March last, prohibiting all epistolary correspondence between the Resident or the native Judges of the several courts and parties in suits or complaints brought before them, it is directed, with a view to facilitate the Resident's inquiring into and settling the frequent and various complaints that are preferred in respect to the indigo cultivation and manufacture, that the several persons concerned in it shall at all times have in attendance in the Resident's cutcherry, well-informed Vakeels on their respective parts, properly authorized and instructed to deliver competent answers to, and explanations, in the Hindovee tongue, of such allegations as may from time to time be brought by any of the natives against their constituents or their servants.

Europeans conniving at improper acts by their servants to be held responsible.

Tenth. " *Art. 9th.* No European shall seize or confine an individual Ryot or other person, or do any of the acts which their servants are prohibited

" doing by these Regulations; and where it shall be proved, to the satisfaction of the Resident, that the servants of any such British subjects " have done any such acts, by the orders, or with the connivance or " knowledge of their masters, the latter shall be held responsible for the " act, and shall be considered to have committed a breach of the Regulations.

European indigo planters to bind themselves to the observance of these Regulations.

Eleventh. " *Art.* 10*th.* Every European indigo planter shall sign, and " personally engage for the adherence to, the above articles, or any other " Regulations that may be hereafter enacted respecting them, under the " penalty of five hundred rupees for the first offence, and of being sent to " Calcutta for the second.

No European to be allowed to abide without the permission of Government in the zemindarry of Benares.

Twelfth. " *Art.* 11*th.* No European is to take up his abode in the zemindarry " of Benares without the sanction of the Governor General in Council. " The Resident is to send any person guilty of a breach of this rule to " Calcutta."

Encouragement to be given to the mode of Europeans raising indigo by contract.

V. The Resident was, at the same time, desired to afford every encouragement to Europeans in procuring the indigo plant to be raised for them, at a given rate for every begah or bundle, by contract with the Ryots or Aumils; with this caution to be observed in regard to the latter, that they were not to be permitted to avail themselves of their official influence as Aumils, to compel Ryots, or any individual, to plough or work upon the lands against their inclination, or to exercise any undue authority whatever in the management of the concern.

Notification to the natives of the Government's having no immediate concern in the planting or manufacture of indigo.

VI. On the 1st July 1794 the Aumils and the people of the country at large were furnished with a translation of the preceding rules, and at the same time apprized that Government had no immediate concern whatever in the provision of the indigo, and that the above measures had been adopted solely upon the ground that the introduction of a new and valuable article of produce could not fail to be productive of advantage both to the cultivators and proprietors of the soil, as well as to the merchants, provided the trade in it could be conducted without prejudice to individuals, or to the good order and government of the country.

Further description of what grounds engaged by Europeans before the 20th March 1794 are to be allowed of.

VII. *First.* On the promulgation of the prohibition in Section II., it was set forth on behalf of several Europeans, that previous to the date thereof they had obtained fair and voluntary engagements from sundry Zemindars and others, for a certain extent or number of begahs for the cultivation of indigo; and therefore requested that orders might be issued for the ground in question being measured out, and delivered over to them, for the term allowed of under Clause Second, Section IV., which the Resident did accordingly admit of and order on the 7th of June 1794; in as far as the land thus found to be fairly contracted and engaged for, previous to the order of prohibition, might not be liable to all or either of the grounds of objection in the following clauses, the existence of which was to bar the Europeans possession of the lands in question.

If the grant thereof shall have been fairly made by persons duly authorized.

Second. " *Art.* 1*st.* The engagement or contract for the delivery of the " ground to the Europeans must issue and be from the party or parties holding " the pottahs of Government, and not merely from their Putteedars, as the " subordinate partners of such Pottahdars are not authorized to introduce, " without the concurrence of the Government's Pottahdar, any Ryot, and still

" less a natural-born British subject, into the possession or cultivation of any " part of the territory included under such pottah.

Such grants not to be for whole villages.

Third. " *Art. 2d.* In consideration that the Governor General in Council " hath prohibited any British subject from holding farms of revenue, and as, " in fair construction, any Pottahdar of Government making over all the " territory under the pottah to any British subject would be equivalent to " such a taking in farm as is meant to be forbidden, therefore no Pottahdar " is, out of the grounds included under such pottah, to be allowed to make " over to any European a larger proportion than shall be suitable to the " moderate idea of a ryotty tenure.

Not to affect the grounds in the occupancy of chupperbund Ryots without their consent.

Fourth. " *Art. 3d.* A Pottahdar of Government is not to be deemed com- " petent to grant to any natural-born British subject for the cultivation of " indigo, the grounds of any chupperbund or khud casht Ryot, unless on the " condition of such settled Ryot's razeenamah being previously delivered into " the office of the Resident, under the attestation of the Canongoes.

Similar rules for the observance of the Aumils and Canongoes where the lands are amauny.

Fifth. " *Art. 4th.* As the Aumil is in the amauny or unsettled villages of " each pergunnah in the stead and place of the Pottahdars of Government, " such Aumils are, as far as regards the granting of any grounds therein to " any European for the cultivation of indigo, to consider themselves as bound " to be governed by the same qualifications, restrictions, and conditions, as " are provided and specified in the three preceding clauses and articles for " the guidance of the Pottahdars in similar instances: nor is any Aumil to " make such grants out of the cutcha lands without the privity and consent " of the Canongoes, who are to attend, in every such instance, to the due and " full observance of the requisitions thus made."

Sixth. The notification comprehended in this section was confirmed by the Governor General in Council under date the 4th of July 1794.

Terms notified on which the natives may contract with Europeans for the raising of the indigo plant.

VIII. *First.* On the 12th of July 1794 a circular notification was published by the Resident, announcing to the natives that the Governor General in Council had no objection, but rather wished to encourage their entering into contracts with Europeans to raise for them the indigo plant, and to deliver it to them when ready to be cut and transported to their manufacturing-houses; subject, however, to the conditions in the clauses under-mentioned:

What persons among the natives may thus contract.

Second. " *Art. 1st.* That only the Pottahdars of Government (or in " amauny lands the Aumil) be competent to enter into such contracts with " Europeans; which condition has, however, been since modified as under " the next section.

Exception in respect to the grounds of chupperbund Ryots.

Third. " *Art. 2d.* That even Pottahdars of Government shall not be com- " petent to apply the grounds occupied in husbandry by chupperbund or khud " casht Ryots not in balance as to their rent, to raise indigo on, without the " latter's full and free consent.

In what instances Pottahdars and chupperbund Ryots may contract with Europeans for the raising of indigo.

IX. *First.* But on a representation being made by some of the indigo planters, that the prohibition in Clause Second, Section VIII., would prove highly prejudicial to them, and particularly expose them to undue exactions on the part of the Pottahdars of Government; at the same time that they offered to hold the produce of the indigo crops at all times bound for the payment of the amount of the contract rates for which they should have agreed, so as always to prove an adequate security to the Pottahdar or Pottahdars of Government, for the jumma of the part of his or their zemindarry or farm planted with indigo; Clause Second, Section VIII., was, with a view to the promotion and general increase of cultivation, declared on the 22d July 1794, to be repealed, so far as that Europeans were pronounced at liberty to enter into contracts, on the above conditions, with the chupperbund or khud casht Ryots, or with Putteedars whose puttees might be distinct and separate, and have been divided off from the Pottahdar's part of the estate, for cultivating, sowing, and rearing the indigo plant by their own labour, within their respective limits of cultivation, in the same manner as is allowed to Pottahdars under Section VIII.

Canongoe to fix the money-rent on indigo culture in cases where it has heretofore been paid by betay.

Second. Where such indigo cultivation as is described under the first clause of the present section shall take place in spots where hitherto the rent of the land payable by the Ryot has been the moiety or other proportion of the produce, the Canongoes shall in all such cases fix the money assessment which is to be, on an indigo crop, paid by the Ryot or joint Putteedar to the Pottahdar of Government, whilst the indigo manufacturers are to pay to either of the two latter by whom the ground may be possessed the amount for which they shall have contracted.

Rules in this Section passed by way of experiment, and declared liable to be repealed if found unsuitable.

Third. The rules contained in this section were declared by the Resident to the parties soliciting them to be passed merely by way of experiment, and liable to such future amendment or entire revocation as might hereafter appear necessary, or as Government might at any time direct.

In what degree the Judges of the city and zillah courts are charged with the execution of the requisitions of this Regulation.

X. The authorities vested in, and duties required to be discharged by the Resident, under the preceding sections, are to be considered as transferred, from the date of their entering respectively into office, to the Judges of the city and zillah courts, from whose desicions appeals are to lie in all cases allowed by the Regulations.

A.D. 1795. REGULATION XXXIV.

A Regulation *for re-enacting, with Modifications, the Rules respecting the Pensions payable from the Government and Moolky Treasuries in the Province of Benares*: Passed *by the Governor General in Council on the 27th March 1795 (corresponding with the 16th Chyte, 1201 Bengal era; the 22d Chyte, 1202 Fussily; the 16th Chyte, 1202 Willaity; the 22d Chyte, 1852 Sumbut; and the 5th Ramzaan, 1209 Higeree).*

I. The following rules are prescribed for determining the continuance or discontinuance of the pensions payable in money from the Government and the moolky treasuries at Benares.

First class of pensions to be considered as property.

II. The pensions under the heads of maash and rozeena, sanctioned by the Governor General in the year 1781, amounting to Benares sicca rupees 33,296. 7 annas, having been originally granted, either wholly or in part, as indemnifications for ayma or other lands resumed under the native Government, are not to be liable to resumption on the death of the persons who now receive them, notwithstanding that such resumption made part of the original order issued for the confirmation of them, but are to be considered as property, and are to descend to the heirs of the present and future receivers, and are declared liable to be sued for and inherited in the same manner as other property.

Second class of pensions to non-reinstated landholders determinable on the demise of the parties.

III. The second class of pensions payable from the treasury consist of allowances granted in 1781 by the Governor General to certain persons who represented themselves to have been landholders in the zemindarry of Benares, and whom it was then intended to reinstate. Agreeably to the orders of the Governor General in Council under date the 11th of April 1788, no part of these pensions are to be continued to the heirs of the persons now in the enjoyment of them, without his special sanction.

Third class of pensions, formerly issuable out of the local collections, and all other allowances of this description, depend for their continuance, after the death of the present holders, on the will of Government; as do the fourth or miscellaneous class of pensions.

IV. Besides the pensions noticed in the preceding section, there are others payable from the moolky treasury, which were heretofore paid by the Aumils in their several pergunnahs, and for the amount of which they received credit in their accounts of the revenue; and also certain other miscellaneous allowances to individuals, receivable partly from Government's and partly from the moolky treasury, the continuance of all which depend on the conditions and limitations under which they were severally granted. But it is to be considered as a general rule, that the Collector is to report to the Board of Revenue the death of all pensioners whose pensions are receivable either from the Government's or the moolky treasury, with the circumstances and conditions of the original grant, and the several orders that may have been subsequently passed on the subject. The Board of Revenue are to submit this report, with their sentiments on the case, to the Governor General in Council, who will thereon issue such orders as may be applicable respecting the continuance or resumption of each particular pension or allowance.

Fifth class. Allowance for khelauts to the Cauzy and Mufty at the two Eeds.

V. The Cauzy and Mufty of Benares having always received khelauts at the two Eeds, or annual Mahomedan festivals, denominated the Eedyn, the fixed expense of such khelauts is to be defrayed by the Collector in the usual manner.

Sixth class of pensions.

Allowance to indigent and helpless persons who formerly had assignments on the abolished sayer.

VI. The sixth class of pensions consist of the allowances granted by the order of the Governor General in Council of the 11th of February 1791, and paid from the Fussily year 1200 (1792-3) to such of the persons who formerly received pensions from the sayer, as from indigence, age, or helplessness, were deemed objects of real charity, under tusheas or certificates, specifying that such pensions were to cease on the death of the holders. That this fund may continue to be faithfully applied to its original object, by being appropriated solely to the relief of those natives and settled inhabitants of the district of Benares who, from age, sex, or infirmity, shall be unable to provide for themselves or earn a livelihood by their labour, it shall be the duty of the Collector of Benares to report immediately to the Board of Revenue the demise of every pensioner on this list, and to recommend the transfer of the pension, wholly or in part, to one or more proper objects. The Board are to submit this recommendation to the Governor General in Council, with their opinion on it; and in the event of its being approved by him, they are to order the Collector to grant a tushea or certificate for the pension, under his seal and signature, bearing date from the demise of the last holder. This certificate is

All the pensions in this class to lapse on the death of the holders.

How to be again granted to proper objects.

to specify the sex and age of the party on whom the pension may be conferred, and the motive for bestowing it on him or her, with a provision that it is to be continued only during the natural life of the holder. The aggregate of the pensions specified in this section is not to be increased beyond the present amount of them, excepting by order of the Governor General in Council.

Seventh class of charitable allowances defrayable from the offerings of the temple of Bindabashnee.

VII. Certain charitable allowances are likewise defrayable from the religious offerings made at the temple of Bindabashnee near to Mirzapoor, the distribution of which (as hitherto made to the parties entitled to receive it under the authority of the native Judge) is to be continued as formerly; with this alteration, that the distribution is to be made, under the orders of the Board of Revenue and the Governor General in Council, by the Collector, who is to be held responsible for the proper dispensation of the charity, agreeably to the established rules for the management of it. If any of the parties interested in this fund shall deem themselves aggrieved by the orders of the Collector, they may represent the circumstances to the Judge of the Dewanny Adawlut, who is to forward the petition to the Governor General in Council, who reserves to himself the power of passing such determination on the petition as may appear to him proper.

For what future or renewed pensions the Collector is to grant certificates.

VIII. For every pension which may be hereafter granted by the Governor General in Council, or that may be renewed on the demise of a pensioner, and which may be issuable from either of the before-mentioned treasuries at Benares, the Collector shall deliver to the party by whom the pension is to be received a certificate, stating the amount of the pension, the title of the party thereto during his or her life, the ground of such title, and the date of the grant.

Register of pensions to be kept.

IX. The Collector is to keep a separate list of all pensions paid under this Regulation, and is to number and register the certificates or other sunnuds and vouchers under which they are held, in a register in the English and Persian languages to be kept for this purpose; and he is to be careful to note therein such personal identifications of the parties receiving the pensions, as may detect any future attempt to transfer them to others.

Pensions to be paid monthly.

X. The annual amount of the pensions is to be issued in monthly proportions, agreeably to the practice which has hitherto prevailed in the province.

Rule for the payment of pensions exceeding fifty rupees per annum by the Collector.

XI. All persons receiving pensions exceeding fifty sicca rupees per annum, are to attend the Collector in person, at the stated periods, to receive the amount of their respective pensions; and the Collector is prohibited from issuing any pensions excepting to the parties personally, unless they shall be disabled from attending by illness, or other sufficient cause, of which satisfactory proofs shall be exhibited. The Collector, on being satisfied of the inability of the parties, whether from age, sex, or distance of abode, to attend in person, is permitted to issue their pensions to their authorized Vakeels; but he is to take due precautions to prevent impositions after the death of the pensioners, and in the event of any pension not being claimed within six months after it may become payable, he isto ascertain whether the party who received it be deceased, and report accordingly.

Rule for payment of pensions not exceeding fifty rupees per annum by Cauzies.

XII. All pensions not exceeding fifty sicca rupees per annum are to be paid by the Cauzy of the pergunnah in which the pensioners may reside, the Collector supplying him monthly with the funds necessary for that purpose, and furnishing him with a list of the persons entitled to such pensions. In issuing these pensions, the Cauzies are to be guided by the same rules and restrictions as are prescribed to the Collector in Section XI., respecting the pensions exceeding fifty rupees per annum which are to be paid to the pensioners immediately by him. The Cauzies are to take receipts from the pensioners for their respective allowances, and transmit them to the Collector. They are to report to the Collector the death of any pensioner, the payment of whose allowance may have been entrusted to them; and any Cauzy who shall issue a pension without taking the prescribed precautions to ascertain that the person entitled thereto is in existence, or appropriate to his own use the allowance of any pensioner, or continue to any person not entitled thereto the allowance of a deceased pensioner with whose demise there shall be satisfactory grounds for believing he was acquainted, shall be liable to be dismissed from his office, upon such misconduct being proved to the satisfaction of the Governor General in Council.

To whom the payment of pensions not exceeding fifty rupees per annum is to be committed where no Cauzies are stationed.

XIII. In districts in which no Cauzies are stationed, the Collector is to commit the payment of the pensions not exceeding fifty rupees per annum to the Tehseeldar, or other officer of Government who may be stationed in the pergunnah or village where such pensioners may reside; or if there be no such officer, to any trustworthy person in the neighbourhood who may be willing to undertake the trust.

Courts of judicature not to take cognizance of claims to pensions except under Section II.

But they may hear complaints against a Collector or any person for withholding the payment of the pension which may have been adjudged.

XIV. The determining upon the continuance of the pensions and allowances to which this Regulation relates being provided for, in respect to each class, under the rules prescribed in the several sections in which they have been successively noticed, all claims to such pensions and allowances, with the exception of those specified in Section II., are declared not cognizable in any court of judicature. But if a Collector or a Cauzy, or any person entrusted with the payment of pensions under this Regulation, shall withhold from any pensioner the pension to which he or she may be entitled, the Collector, or person withholding the pension, shall be liable to be sued for such act in the Dewanny Adawlut of the jurisdiction in which the pension may be payable; and provided proof be made, to the satisfaction of the court, that the complainant conformed to the rules herein prescribed to pensioners respecting the receipt of their pensions, and the person complained against cannot show good and sufficient cause, to the satisfaction of the court, for having withheld the pension, the court is to order it to be discharged, and compel the Collector, or other person by whom the pension may have been withheld, to pay to the complainant such sum for costs as may appear to it equitable.

A.D. 1795.

A.D. 1795. REGULATION XXXV.

A.C.

A Regulation *for better enabling Individuals to recover Arrears of Rent or Revenue due to them:* Passed *by the Governor General in Council on the 27th March* 1795 *(corresponding with the* 16*th Chyte,* 1201 *Bengal era; the 22d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the 22d Chyte,* 1852 *Sumbut; and the 5th Ramzaan,* 1209 *Higeree).*

I. Government not admitting of any delay in the payment of the public revenue receivable from proprietors and farmers of land, justice requires that they should have the means of levying their rents and revenues with equal punctuality, and that the persons by whom they may be payable, whether under-farmers, dependent Talookdars, Ryots, or others, should be enabled, in like manner, to realize the rents and revenues from which their engagements with the proprietors or farmers are to be made good. Regulation XVII. 1793, was enacted with a view to enable all of the above-mentioned descriptions of individuals to enforce payment of arrears of rent or revenue without application to the courts of judicature, as far as the amount might be realizable from the crops and personal property of the defaulter, leaving him to sue in the courts for redress, in the event of any sums being unjustly exacted from him. This was the leading principle of the Regulation; but to prevent so extensive a power being abused on the first delegation of it, provisions were made for obliging the distrainer to withdraw the attachment on property, in the event of his demand being contested by the defaulter, and of his giving security to try the justness of it within a specific time in the court of judicature, and to pay interest on the amount, with costs, in case of its being decreed to be due. These provisions, however, have been found to counteract the object of the Regulation, by the delay often unavoidable in bringing suits to a conclusion, and the opportunity which they afford to defaulters of protracting the discharge of just demands. In large estates, in which extensive tracts of country are under-farmed, the under-farmers often fall in arrear to so considerable an amount, as to render the realizing of the deficiency by the distress of their personal property impracticable. In such cases, the proprietors or farmers are obliged to sue the defaulter or his surety in the Dewanny Adawlut for the recovery of the arrears; but as the persons to whom the arrears may be due are not allowed any suspension in their payments to the public whilst the suit is depending, the lands of proprietors are liable to be sold, and the persons and property of farmers are subject to attachment, for deficiencies arising not from their own misconduct or mismanagement, but from breach of engagements on the part of their under-farmers. To obviate the above inconveniencies the following rules have been enacted.

Sections IX. and X. of Regulation XVII. 1793, and part of Section VIII., rescinded.

II. Sections IX. and X., Regulation XVII. 1793, by which distrainers are required to withdraw the attachment on distrained property, on the person from whom the arrear is demanded denying the justness of the demand, and giving security to have it tried in the Dewanny Adawlut within a certain time, and to pay interest to the date of the decree, with costs, in the event of the demand being decreed to be just, *are hereby rescinded,* together with the following Clause of Section VIII. of that Regulation, *viz.* " *or he shall contest* " *the*

" *the demand, and procure the attachment to be withdrawn in the manner hereafter* " *specified.*"

Distrainers allowed to affix their signature only to writings for the distress of property.

III. In future, distrainers are permitted to affix their signature only to writings for the attachment of property, instead of both their seals and signatures, as required by Section VIII., Regulation XVII. 1793.

Section XXII., Regulation XVII. 1793, regarding the sale of distrained property, rescinded.

IV. Section XXII., Regulation XVII. 1793, regarding the mode of selling distrained property, *is hereby rescinded*, and the rule contained in the following section is adopted in lieu of it.

Rules regarding the sale of distrained property.

Distrainer to apply to the Cauzy of the pergunnah to sell the property.

Acts to be done by the Cauzy on receipt of the application, viz.;

to publish at the places herein specified a list of the property;

the place of sale;

the day of sale;

and the hour of the day when the sale is to be made;

to appoint appraisers to value the property;

to fix up the paper of appraisement at the places herein specified;

to cause the property or samples of it to be brought and exposed at the place of sale;

to put up the property to sale in one, or two, or more lots;

to dispose of the property to the highest bidder;

V. After the expiration of the fifth day and before the elapse of the eighth day, calculating from the day following the day on which the attachment of the property of a defaulter shall have taken place, or if the property attached shall consist of crops or other ungathered products of the earth, after the elapse of the fifth day and before the expiration of the eighth day, commencing from the day following the day on which such crops or products may have been stored as directed in Section XIII., Regulation XVII. 1793, the distrainer shall apply to the Cauzy of the pergunnah to have the same appraised and sold. Upon the receipt of such application the Cauzy shall proceed as follows. He shall fix up on the outer door of his own house, and at the place at which he may determine to dispose of the property, a list of the property attached, with a notice which shall specify, Firstly, the place at which the property is to be sold, which shall be on the spot where it may be lodged by the distrainer, or at the nearest gunge, bazar or haut, or any place of public resort where the Cauzy may be of opinion it is likely to sell to the best advantage; Secondly, the day on which it is to be sold, which shall be the fifteenth day, commencing from the day following the day on which the attachment may take place, unless the property shall consist of crops or other ungathered products of the earth, in which case the sale shall be made on the fifteenth day calculating from the day following the day on which such crops or products may be stored, as directed in Section XIII., Regulation XVII. 1793; and Thirdly, the time of the day when the sale is to be made, which shall be during the hours of business when the greatest number of people may be supposed to assemble. The Cauzy shall nominate two creditable persons, competent by their profession, trade, or occupation, to appraise the property. The persons so appointed shall appraise the property according to the current price which the several articles may then bear in the country, and shall deliver the particulars of the appraisement in writing, and attest the same with their signatures, and shall certify in writing, at the foot of the paper, that they have appraised the property according to the best of their knowledge and judgment. The Cauzy shall affix his seal to the paper of appraisement, and cause it to be stuck up on the outer door of his own house, and at the place where the property is to be sold. The property shall be brought to the place of sale on the morning of the day of sale, in order that it may be examined by the persons intending to bid, unless it shall consist of grain or other products of the earth, the removal of which would be attended with considerable expense, in which case samples only, indiscriminately taken from each article, shall be brought to the place of sale, and exposed for the purpose above-mentioned. The property shall be put up to sale in one lot, or in two or more lots, as the Cauzy may think advisable. The property shall be disposed of for the highest price that may be offered for it. If the property shall sell for more than the amount of the arrear, the overplus, after deducting the charges attending the attachment and sale of it, shall be returned to the defaulter. If the proceeds of the sale shall be insufficient for the discharge of the arrear, and the expenses attending the attachment and sale, the distrainer shall be at liberty to attach other property belonging to the defaulter, and to cause it to be sold to make good the deficiency. The Cauzy is, in every case, to examine the distrainer's statement of the expenses consequent to the attachment and sale of the property, and to reject any part of it that may appear to him unreasonable. If any person vested with the power of distraint shall sell or dispose of property which he may have attached for arrears of rent or revenue, in any other mode than that prescribed in this section, he shall forfeit the arrear for which the distress may be levied to the defaulter, and make good to him the value of the property sold or disposed of, with all costs of suit.

to return any overplus in the proceeds to the defaulter;

to sell further property for any deficiency;

and to examine and check the distrainer's statement of expenses attending the attachment and sale.

Penalty for distrainers disposing of distrained property in any manner excepting that herein directed.

VI. Section XXVI., Regulation XVII. 1793, regarding the payment of the purchase-money of distrained property, *is hereby rescinded*, and the rule contained in the following section is enacted in lieu of it.

Section XXVI., Regulation XVII. 1793, rescinded.

VII. The property shall be paid for in ready money at the time of the sale, and the purchaser shall not be permitted to carry away any part of the property which shall not have been paid for. Should the purchaser fail in the payment of the whole or part of the purchase-money within five days, calculating from the day following the sale, the whole of the property, or the part of it which may be unpaid for, shall be resold by the Cauzy, on such day as he shall fix, for the best price that may be offered for it. The defaulting purchaser shall forfeit to the distrainer ten per cent. on the amount of the price at which he shall have purchased the property so resold, and make good to him any loss that may arise, as well as the expenses that may be incurred on the resale. If any profit shall accrue on the resale, it shall be carried to the credit of the defaulter.

New rule regarding the payment of the purchase-money for distrained property.

VIII. To facilitate the sale of distrained property, every person having a commission from the Judge of the zillah to hear and determine civil suits not exceeding fifty rupees, under Regulation XL. 1793, is authorized and required to dispose of, under the rules prescribed to Cauzies in Regulation XVII. 1793, and this Regulation, any property that may be distrained in the pergunnah in which he may reside, and for the sale of which application may be made to him. The Cauzies are likewise to continue to exercise the authority vested in them by Regulation XVII. 1793, and this Regulation, and where a greater number of persons to be vested with this authority shall be requisite in any pergunnah for facilitating the sale of property, the Judge is empowered to appoint them. But no person vested with the power of disposing of distrained property shall sell property that may have been distrained for arrears due to himself. Persons of this description having occasion to levy arrears by distress, are to apply to some other person duly empowered for the sale of the property.

Native Commissioners appointed under Regulation XL. 1793, empowered to sell distrained property.

IX. To enable proprietors of land, and farmers of land holding their farms immediately of Government, to recover more speedily arrears of rent or revenue which, from the largeness of the amount, cannot be immediately realized by a levy of distress on the personal property of the defaulter, such proprietors

Rules for enabling proprietors and farmers of land to recover more expeditiously arrears exceeding five hundred rupees due on account of the past or current years, or that may hereafter become due.

"the demand, and procure the attachment to be withdrawn in the manner hereafter "specified."

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III. In future, distrainers are permitted to affix their signature only to writings for the attachment of property, instead of both their seals and signatures, as required by Section VIII., Regulation XVII. 1793.

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to appoint appraisers to value the property;

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to cause the property or samples of it to be brought and exposed at the place of sale;

to put up the property to sale in one, or two, or more lots;

to dispose of the property to the highest bidder;

V. After the expiration of the fifth day and before the elapse of the eighth day, calculating from the day following the day on which the attachment of the property of a defaulter shall have taken place, or if the property attached shall consist of crops or other ungathered products of the earth, after the elapse of the fifth day and before the expiration of the eighth day, commencing from the day following the day on which such crops or products may have been stored as directed in Section XIII., Regulation XVII. 1793, the distrainer shall apply to the Cauzy of the pergunnah to have the same appraised and sold. Upon the receipt of such application the Cauzy shall proceed as follows. He shall fix up on the outer door of his own house, and at the place at which he may determine to dispose of the property, a list of the property attached, with a notice which shall specify, Firstly, the place at which the property is to be sold, which shall be on the spot where it may be lodged by the distrainer, or at the nearest gunge, bazar or haut, or any place of public resort where the Cauzy may be of opinion it is likely to sell to the best advantage; Secondly, the day on which it is to be sold, which shall be the fifteenth day, commencing from the day following the day on which the attachment may take place, unless the property shall consist of crops or other ungathered products of the earth, in which case the sale shall be made on the fifteenth day calculating from the day following the day on which such crops or products may be stored, as directed in Section XIII., Regulation XVII. 1793; and Thirdly, the time of the day when the sale is to be made, which shall be during the hours of business when the greatest number of people may be supposed to assemble. The Cauzy shall nominate two creditable persons, competent by their profession, trade, or occupation, to appraise the property. The persons so appointed shall appraise the property according to the current price which the several articles may then bear in the country, and shall deliver the particulars of the appraisement in writing, and attest the same with their signatures, and shall certify in writing, at the foot of the paper, that they have appraised the property according to the best of their knowledge and judgment. The Cauzy shall affix his seal to the paper of appraisement, and cause it to be stuck up on the outer door of his own house, and at the place where the property is to be sold. The property shall be brought to the place of sale on the morning of the day of sale, in order that it may be examined by the persons intending to bid, unless it shall consist of grain or other products of the earth, the removal of which would be attended with considerable expense, in which case samples only, indiscriminately taken from each article, shall be brought to the place of sale, and exposed for the purpose above-mentioned. The property shall be put up to sale in one lot, or in two or more lots, as the Cauzy may think advisable. The property shall be disposed of for the highest price that may be offered for it. If the property shall sell for more than the amount of the arrear, the overplus, after deducting the charges attending the attachment and sale of it, shall be returned to the defaulter. If the proceeds of the sale shall be insufficient for the discharge of the arrear, and the expenses attending the attachment and sale, the distrainer shall be at liberty to attach other property belonging to the defaulter, and to cause it to be sold to make good the deficiency. The Cauzy is, in every case, to examine the distrainer's statement of the expenses consequent to the attachment and sale of the property, and to reject any part of it that may appear to him unreasonable. If any person vested with the power of distraint shall sell or dispose of property which he may have attached for arrears of rent or revenue, in any other mode than that prescribed in this section, he shall forfeit the arrear for which the distress may be levied to the defaulter, and make good to him the value of the property sold or disposed of, with all costs of suit.

to return any overplus in the proceeds to the defaulter;

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Penalty for distrainers disposing of distrained property in any manner excepting that herein directed.

VI. Section XXVI., Regulation XVII. 1793, regarding the payment of the purchase-money of distrained property, *is hereby rescinded*, and the rule contained in the following section is enacted in lieu of it.

Section XXVI., Regulation XVII. 1793, rescinded.

VII. The property shall be paid for in ready money at the time of the sale, and the purchaser shall not be permitted to carry away any part of the property which shall not have been paid for. Should the purchaser fail in the payment of the whole or part of the purchase-money within five days, calculating from the day following the sale, the whole of the property, or the part of it which may be unpaid for, shall be resold by the Cauzy, on such day as he shall fix, for the best price that may be offered for it. The defaulting purchaser shall forfeit to the distrainer ten per cent. on the amount of the price at which he shall have purchased the property so resold, and make good to him any loss that may arise, as well as the expenses that may be incurred on the resale. If any profit shall accrue on the resale, it shall be carried to the credit of the defaulter.

New rule regarding the payment of the purchase-money for distrained property.

VIII. To facilitate the sale of distrained property, every person having a commission from the Judge of the zillah to hear and determine civil suits not exceeding fifty rupees, under Regulation XL. 1793, is authorized and required to dispose of, under the rules prescribed to Cauzies in Regulation XVII. 1793, and this Regulation, any property that may be distrained in the pergunnah in which he may reside, and for the sale of which application may be made to him. The Cauzies are likewise to continue to exercise the authority vested in them by Regulation XVII. 1793, and this Regulation, and where a greater number of persons to be vested with this authority shall be requisite in any pergunnah for facilitating the sale of property, the Judge is empowered to appoint them. But no person vested with the power of disposing of distrained property shall sell property that may have been distrained for arrears due to himself. Persons of this description having occasion to levy arrears by distress, are to apply to some other person duly empowered for the sale of the property.

Native Commissioners appointed under Regulation XL. 1793, empowered to sell distrained property.

IX. To enable proprietors of land, and farmers of land holding their farms immediately of Government, to recover more speedily arrears of rent or revenue which, from the largeness of the amount, cannot be immediately realized by a levy of distress on the personal property of the defaulter, such

Rules for enabling proprietors and farmers of land to recover more expeditiously arrears exceeding five hundred rupees due on account of the past or current years, or that may hereafter become due.

proprietors or farmers who may now have on account of the current or past Bengal, Fussily, or Willaity year, or who may hereafter have on account of the current or any future year of those eras, a demand on any of their dependent Talookdars, under-farmers, or Ryots, or their sureties, for an arrear of rent or revenue exceeding five hundred sicca rupees, are empowered to proceed for the recovery of the amount in the manner hereafter specified.

Proprietor or farmer to serve the defaulter with a written demand for the arrear.

X. The proprietor or farmer shall cause to be delivered to the defaulter, or to be stuck up at the outer door of his immediate or usual place of residence, a statement of the arrear claimed, with a notice subjoined to the statement, that if he shall fail to discharge the amount within three days, calculating from the day following the day on which the statement may be so delivered to him or fixed up, he will be proceeded against as authorized in the following sections.

Proprietor or farmer to apply by petition to the court to have the defaulter confined if he omits to discharge the arrear.

XI. If the defaulter shall fail to discharge the demand by the time limited in the written notice, the proprietor or farmer is to present in person, or through an authorized Vakeel of the court, a petition to the Judge of the Dawanny Adawlut to which the defaulter may be amenable, praying that he will cause the defaulter to be committed to close custody until he makes good the amount of the arrear claimed, with interest from the date of the delivery or fixing up of the notice as directed in the preceding Section to the date of the payment of it. The petition shall be accompanied by a copy of the statement of the demand, and of the written notice directed to be subjoined to it, without which the Judge shall not receive the petition.

Petition to be accompanied with a copy of the written demand, and the Judge not to receive the former without the latter.

Judge to summon the defaulter to appear in person or by Vakeel.

XII. *First.* On receipt of the petition and the statement with the subjoined notice, the Judge is immediately to issue a summons to the person from whom the arrear may be claimed, requiring him to appear without delay, either in person or by an authorized Vakeel of the court, and to deliver in an answer to the demand, with any papers or vouchers he may have to exhibit against the demand, the amount of which is invariably to be specified in the summons.

Cases in which the Judge may take security for the defaulter's delivering himself up to the court.

Second. In cases in which the Judge shall have ground to apprehend, that the person from whom the arrear may be demanded will abscond, he is empowered to require him to give personal security for his appearing and delivering himself up into the custody of the court, in the event of his ordering him to be committed to confinement under the following section; and in default of his giving such security, the Judge shall forthwith order him to be committed to custody.

Judges may proceed on applications for the confinement of defaulters, out of court, or when the court is adjourned.

Third. The Judges are empowered to proceed on applications for the confinement of defaulters as authorized in this Regulation, out of court, or when the courts may be adjourned, notwithstanding any thing that may be said to the contrary in any Regulation passed prior to this date.

Judge on the appearance of the stated defaulter to enter into a summary inquiry into the demand,

XIII. *First.* On the appearance of the person from whom the arrear may be claimed or his Vakeel, the Judge shall peruse his answer to the demand, and cause to be produced the engagements under which the arrear may be demanded, and the vouchers for the payments made under it, which the parties respectively are required to have ready to exhibit; and after a summary examination of them, and any inquiry which he may deem it necessary to make, if it shall appear to him that the amount demanded, or a sum exceeding five hundred sicca rupees, is due to the party claiming the arrear, he shall

and to confine the defaulter, if the amount claimed or a sum exceeding five hundred sicca rupees shall appear due from him.

commit

When defaulters so confined shall be entitled to their discharge.

commit the defaulter to close custody until he discharges such arrear, or the sum so appearing to be due, with interest at the rate of twelve per cent. per annum, from the date on which the statement and notice was delivered to him or fixed up as directed in Section X., to the date of payment, or the person claiming the arrear shall apply for his release, or until by a regular suit to be commenced in the Dewanny Adawlut under Section XIX., the amount or sum for the discharge of which he may have been committed to custody on the above-directed summary inquiry, shall be found on a regular judicial investigation not to be due from him.

Judge to proceed *ex-parte*, in the event of the defaulter not appearing by the prescribed time.

Second. If the person summoned under Section XII. shall not appear as required by the prescribed time, and shall not show satisfactory cause to the Judge for not so appearing, the Judge shall proceed upon the documents and vouchers of the party claiming the arrear, and make an order against the defaulter for the payment of the sum which may appear due from him on such examination, and cause him to be immediately committed to confinement.

Entries to be made by the Judges on the proceedings of the court, on their confining persons under Section XIII.

XIV. When a Judge shall commit a defaulter to confinement under the preceding section, he shall enter on his proceedings the sum that may appear to him due from the defaulter, and a list of the papers and documents on the inspection of which he may have grounded the order for his confinement.

Proprietors or farmers having suits now depending in the zillah or city courts for arrears, may proceed for the recovery of them as above authorized.

XV. Proprietors or farmers now having suits depending in any of the zillah or city courts for arrears, being of the description of the arrears specified in Section IX., are declared to be at liberty to withdraw such suits, and to proceed against the person from whom they may claim the arrears, in the manner above authorized.

Judge how to proceed, if the arrear, or a sum not exceeding five hundred rupees, shall not appear to him due from the party summoned.

XVI. On making the summary investigation directed in Section XIII., if the Judge shall be of opinion that the arrear demanded, or a sum not exceeding five hundred sicca rupees is not due, he shall not confine the person from whom the arrear may be claimed, but shall leave the proprietor or farmer to institute a regular suit in the Adawlut for the amount of his demand; and if the person from whom the arrear may have been claimed shall have appeared in person or by Vakeel, the Judge shall cause the claimant to the arrear to pay to him, in the former case, such sum as may appear adequate to his trouble or any loss that he may have incurred in consequence of his having been caused to attend in person, and in the latter, the charges of his Vakeel, or any other expenses he may have incurred on account of the process instituted against him.

Proprietors and farmers may distrain the personal property of defaulters whom they may have caused to be confined.

XVII. The confinement of a person under Section XIII. shall not be considered to preclude the proprietor or farmer from distraining the personal property of the defaulter, for the recovery of the arrear for which he may have been imprisoned, or for any other arrear.

Persons confined under Section XIII. may sue the party at whose instance they may have been confined.

Judgment to be given if the demand be found unjust.

XVIII. Persons imprisoned under Section XIII., who may deem the sum for the discharge of which the Judge may have committed them to confinement on the summary investigation therein directed not to be due from them, may institute a regular suit in the the Dewanny Adawlut against the proprietor or farmer at whose instance they may have been imprisoned; and should the amount be found upon trial not to be due from them, the court shall award costs, and heavy damages according to the circumstances of the case, against the proprietor or farmer by whom the arrear may have been claimed.

XIX. If

Persons paying demands to avoid being summoned under Section XII., or sums declared due by the Judge to avoid being confined under Section XIII., may sue in the Dewanny Adawlut for the recovery of what they may deem not to have been due from them.

XIX. If any person from whom an arrear may be demanded by a proprietor or farmer, under this Regulation, shall consider the whole or any part of the demand to be unjust, but shall discharge the whole amount to avoid being summoned to appear before the Judge under Section XII., or if any such person from whom a sum exceeding five hundred sicca rupees shall be declared to be due by the Judge under Section XIII., shall be of opinion that the whole or a part of such sum is not justly due from him, but to avoid being confined shall pay the whole amount, such person shall be at liberty to sue the proprietor or farmer in the Dewanny Adawlut for the amount which he may have so paid, over and above what he may consider to have been due from him, and the court shall decree to him such sum as he may prove not to have been due from him, with interest at the rate of twelve per cent. per annum, and such costs and damages as the court may deem equitable on a consideration of the circumstances of the case.

Preceding rules regarding the recovery of rents and revenues due to proprietors and farmers, applicable to managers of estates, and to Collectors holding lands in attachment.

XX. The rules in the preceding Sections, regarding the recovery of arrears of rent or revenue due to proprietors and farmers of land, are to be considered equally applicable to the managers of the estates of disqualified proprietors and of joint undivided estates, and to Collectors holding lands in attachment for the purpose of adjusting the public assessment on them, or for any other purpose.

A.D. 1795. REGULATION XXXVI.

A REGULATION *for repealing Section VII., Regulation VIII. 1794, and empowering the Judges of the Zillah and City Courts to hear Appeals from Decisions which may be passed by their Registers under that Regulation, and rendering final the Decisions of the Judges in all such Appeals where the Suit may be for Money or personal Property; for making final the Decrees of the Judges of the Zillah and City Courts, in Appeals from Decisions passed by the Native Commissioners appointed under Regulation XL. 1793; for rendering Serberakars, or Managers of joint undivided Estates, eligible to the Office of Commissioner for hearing and deciding Suits under Regulation XL. 1793; for providing against the Loss or Miscarriage of the Proceedings in Trials referred by the Judges of Circuit to the Nizamut Adawlut, or the Sentences or Orders of that Court on such Trials; and for establishing another Court of Dewanny Adawlut in the Districts now comprised in the Zillah of Burdwan:* PASSED *by the Governor General in Council on the 27th March 1795 (corresponding with the 16th Chyte, 1201 Bengal era; the 22d Chyte, 1202 Fussily; the 16th Chyte, 1202 Willaity; the 22d Chyte, 1852 Sumbut; and the 5th Ramzaan, 1209 Higeree).*

I. THE appeal immediately to the provincial courts of appeal, from decisions passed by the Registers, allowed by Section VII., Regulation VIII. 1794, interfering considerably with the more important duties of those courts, and the Governor General in Council being of opinion, that from decisions passed by the Registers to the zillah and city courts for money or personal property under Regulation VIII. 1794, and from decisions of the native Commissioners appointed under Regulation XL. 1793, one appeal to the Judge of the zillah or city will be sufficient for the purposes of justice, or at all events, that the advantages which might be expected to result from allowing of a further appeal to the provincial courts of appeal from the decisions of the Judges of the zillahs and cities, would be more than counterbalanced by the delay in the determination of causes of greater importance, that must necessarily arise from the considerable portion of the time of the zillah and city courts and the provincial courts of appeal which would be occupied in preparing and transmitting the records of the trials in these petty causes and in the decision of them; and with a view to render Serberakars, or managers of joint undivided estates, eligible to the office of Commissioner for the decision of suits under Regulation XL. 1793, and to provide against the undue detention of prisoners in confinement, or delay in the execution of sentences or orders of the Nizamut Adawlut, by the loss or miscarriage of the proceedings in trials referred to that court, or of the sentences or orders on such trials, and to accelerate the decision of civil suits arising in the districts now comprised in the zillah of Burdwan, which, from the great extent of the zillah, have been found too numerous for one court to determine with sufficient expedition; the following rules have been enacted.

Section VII., Regulation VIII. 1794, rescinded.

II. Section VII., Regulation VIII. 1794, empowering the provincial courts of appeal to hear appeals from certain decisions passed by the Registers to the zillah and city courts under that Regulation, *is hereby rescinded.*

An appeal from the decisions of the Registers, excepting for money or personal property not exceeding twenty-five rupees, to lie to Judges of the zillahs and cities.

III. *First.* From all decisions in suits for real property, and for money or personal property, the amount or value of which shall exceed twenty-five sicca rupees, that may be passed by the Registers to the zillah and city courts, in virtue of the powers vested in them by Regulation VIII. 1794, an appeal shall lie to the Judge of the zillah or city court, under similar rules and regulations to those prescribed regarding appeals to the provincial courts of appeal from decisions passed by the Judges, with the qualifications specified in the two following clauses.

Petition of appeal to be presented within thirty days after the date of the decision.

Judge empowered in certain cases to admit the appeal after the prescribed period.

Second. The petition of appeal shall be presented within thirty days after the date of the decision, either to the Register or to the Judge; but the Judge is empowered to admit the appeal although the petition should be presented after the prescribed time, provided the appellant can show, to his satisfaction, good and sufficient cause for not having filed the petition within the limited period.

Judge how to proceed on admitting an appeal from the Register.

Register to submit the original proceedings and decree.

Third. On the Judge admitting an appeal from the decision of his Register, he shall cause to be endorsed on the back of the petition the word "admitted" (munzoor), and shall have the seal of the court affixed thereto, and attest the endorsement with his signature. He shall cause the petition so endorsed to be sent to the Register, who shall thereupon submit to the Judge all the original proceedings and papers in the cause, with his original decree.

Decrees of the Judges made final in appeals from decisions passed by the Registers for money or personal property under Regulation VIII. 1794, and from the decisions of the native Commissioners appointed under Regulation XL. 1793.

IV. The decrees of the Judges of the zillah and city courts in appeals from decisions for money or personal property, passed by the Registers under Regulation VIII. 1794, and also from the decisions of the native Commissioners appointed to hear and determine suits under Regulation XL. 1793, are declared final, notwithstanding any thing that may be said to the contrary in any Regulation enacted previous to this date.

Managers of joint undivided estates made eligible to the office of Commissioner under Regulation XL. 1793.

V. Serberakars, or managers of joint undivided estates, appointed under Sections XXIII., XXIV., XXV., XXVI., Regulation VIII. 1793, are declared eligible to the office of Commissioner for hearing and determining suits under Regulation XL. 1793, in the zillahs in which the estates they may be appointed to manage may be situated.

Provisions against the loss or miscarriage of the proceedings in trials referred by the courts of circuit to the Nizamut Adawlut, or of the sentences or orders of the court on such trial.

VI. Previous to the commencement of each circuit, the courts of circuit are to examine the lists of trials held on the preceding circuit, which may have been referred by them to the Nizamut Adawlut; and in the event of their not having received the orders or sentence of that court on any trial so referred, they are to report the same to the court, that in the event of the proceedings not having been received by the court, duplicates of such proceedings, or of the sentences or orders passed thereon, which may have miscarried, may be forwarded or issued before the commencement of the ensuing circuit, that the sentence or orders of the Nizamut Adawlut on such trials may be forthwith passed or executed.

Additional court of Dewanny Adawlut established in the districts now comprised in the zillah of Burdwan.

VII. The districts now comprised in the zillah of Burdwan shall be formed into two zillahs, the northern division to be denominated the zillah of Burdwan, and the southern division the zillah of Hoogly. The limits of each zillah are to be determined by the Governor General in Council. A Dewanny Adawlut superintended by one Judge shall be established in each zillah, with the same powers as the other zillah courts of Dewanny Adawlut. The Judge of each court shall likewise be vested with the office of Magistrate, with the same powers as the Magistrates of other zillahs. The court so established in the northern division shall be denominated "the Court of Dewanny Adawlut for the zillah of Burdwan," and the court in the southern division, "the Court of Dewanny Adawlut for the zillah of Hoogly." The half-yearly gaol delivery directed to take place in the several zillahs by Section XL., Regulation IX. 1793, shall be made at Hoogly by the Judge of the court of circuit for the division of Calcutta who may proceed to the zillahs of Nuddea and Jessore; and the half-yearly gaol-delivery at Burdwan, by the Judge of that court who may proceed to Midnapore and Beerbhoom, agreeably to Regulation VII. 1794.

Half-yearly gaol deliveries in the zillahs of Burdwan and Hoogly, by whom to be made.

A.D. 1795. REGULATION XXXVII.

A REGULATION *for better enabling the Sudder Dewanny Adawlut to judge of the Progress made by the Zillah and City Courts, and the Provincial Courts of Appeal, in determining the Suits now depending before them, and also of the Expedition with which Suits hereafter filed may be decided:* PASSED *by the Governor General in Council, on the 27th March* 1795 *(corresponding with the* 16*th Chyte,* 1201 *Bengal era; the* 22*d Chyte,* 1202 *Fussily; the* 16*th Chyte,* 1202 *Willaity; the* 22*d Chyte,* 1852 *Sumbut; and the* 5*th Ramzaan,* 1209 *Higeree).*

I. To assist the court of Sudder Dewanny Adawlut in forming a judgment of the progress made by the zillah and city courts and the provincial courts of appeal, in determining the suits now depending before them, and also of the expedition with which suits hereafter filed may be decided, the following rules are enacted.

Register to submit to the court a monthly report on the abstract registers of the zillah and city courts.

II. By the last day of each month the Register to the Sudder Dewanny Adawlut shall prepare, to be submitted to the court at their next meeting, a general report on the abstract registers required to be furnished by the zillah and city courts by Section XI., Regulation XVIII. 1793, for the preceding month. The report is to specify the number of suits appearing in the abstract register of each court to have been determined by the Judge and by his Register, under Regulation VIII. 1794, and by the native Commissioners appointed under Regulation XL. 1793, or adjusted by the parties.

What the Register's report is to contain.

Register to submit a monthly report on the abstract registers of the provincial courts of appeal.

III. The Register is likewise to prepare by the last day of each month, to be submitted to the court at their next meeting, a report on the abstract registers required to be furnished by the provincial courts of appeal by Section XV., Regulation XVIII. 1793, specifying the number of appeals and causes determined or adjusted in the courts in the preceding month.

Report to be submitted by the Register on the half-yearly reports of the zillah and city courts of causes remaining undecided.

IV. On the 15th of February and the 15th of August in each year, or at the first court which may be held after those dates respectively, the Register shall submit to the court a report on the last half-yearly reports of causes depending in the zillah and city courts, which they are required to furnish by Section XII., Regulation XVIII. 1793. The report shall specify the number of causes depending before the Judge, the Register, and the native Commissioners, in each zillah and city, and the number of causes depending in the preceding half-yearly report, so as to exhibit a comparative statement of the number of suits depending at the period of the transmission of the two reports. The Register is to annex to his report a summary of the reasons assigned by the several courts for any causes remaining undecided, which may have been inserted as depending in any of their preceding half-yearly reports.

Register to submit a similar statement of suits depending in the provincial courts of appeal at the period of the transmission of their two last half-yearly reports.

V. The Register is likewise to submit with the report required in the preceding section, a similar report on the causes depending in the provincial courts of appeal, as appearing in their two last half-yearly reports.

Register to notice in his report what abstract registers or half-yearly reports have not been transmitted.

VI. In the event of any of the zillah or city courts, or provincial courts of appeal, omitting to forward their monthly abstract registers or half-yearly reports, in time to enable the Register to submit the reports and statements above required, he is to notice the omission in his report, with the reasons for the deficient reports not having been forwarded, should any have been assigned by the courts.

Rules for facilitating the preparing of the Register's reports.

VII. *First.* To enable the Register to prepare the required reports and statements with greater facility, the following rules are prescribed.

Abstract to be inserted by the Judges of the zillahs and cities at the foot of their monthly abstract registers.

Second. The Judges of the zillahs and cities are directed to insert at the bottom of their monthly abstract registers an abstract of the number of causes determined, as follows:

By the Judge.

In appeal from decisions of the Register:

Decreed or dismissed	2
Adjusted by razenamahs of the parties	2
Carried forward	— 4

In

Brought forward		4
In appeal from decisions of the native Commissioners:		
Decreed or dismissed	2	
Adjusted by razenamahs of the parties	2	
		— 4
Tried in the first instance by the Judge:		
Decreed or dismissed	2	
Adjusted by razenamahs of the parties	2	
		— 4
		12
By the Register.		
Decreed or dismissed	2	
Adjusted by razenamahs	2	
		— 4
By the Native Commissioners.		
Decreed or dismissed	2	
Adjusted by razenamahs of the parties	2	
		— 4
Total		20

Abstract to be inserted by the Judges of the zillahs and cities at the foot of their half-yearly reports.

Third. The Judges of the zillahs and cities are to insert at the bottom of their half-yearly reports of causes remaining undecided the number of suits depending, as follows:

Depending before the Judge.		
In appeal from decisions of the Register	2	
In appeal from decisions of the Commissioners	2	
Under trial before the Judge in the first instance	2	
		— 6
Depending before the Register		2
Depending before the Commissioners		2
Total		10

Abstract to be inserted by the provincial courts of appeal at the foot of their monthly abstract registers.

Fourth. The provincial courts of appeal are to insert at the bottom of their monthly abstract registers an abstract of the number of appeals or causes determined by them in the month, as follows:

Appeals.		
Decreed or dismissed	2	
Adjusted by the razenamahs of the parties	2	
		— 4
Causes tried before the Court in the first instance.		
Decreed or dismissed	2	
Adjusted by the razenamahs of the parties	2	
		— 4
Total		8

Fifth. The provincial courts of appeal are to insert at the bottom of their half-yearly reports an abstract of the number of appeals or causes depending before them, as follows:

Appeals	2
Causes under trial before the court in the first instance	2
Total	4

A.D. 1795. REGULATION XXXVIII.

A Regulation *for prescribing the Payment of certain Fees on the Institution and Trial of Suits in the Courts of Civil Judicature, and on Petitions presented to those Courts, and on the Institution of Suits before the Munsiffs, under Clause Sixth, Section V., Regulation XL. 1793; and for the Appropriation of the Fees so collected:* Passed *by the Governor General in Council on the 10th April 1795 (corresponding with the 30th Chyte, 1201 Bengal era; the 6th Bysaak, 1202 Fussily; the 30th Chyte, 1202 Willaity; the 6th Bysaak, 1852 Sumbut; and the 19th Ramzaan, 1209 Higeree).*

I. No expense attending the institution of suits in the first instance, and the ultimate expense being moderate and limited, whatever length of time the suit may be depending, and no fees whatever being charged on the exhibits and papers filed in the courts, nor on petitions presented to the courts not immediately forming part of the proceedings in any suit under trial, many groundless and litigious suits and complaints have been instituted against individuals, and the trials of others have been protracted, by the filing of superfluous exhibits, or the summoning witnesses whose testimony was not necessary to the development of the merits of the case. The business in many of the courts of judicature has, in consequence, increased so as to prevent the Judges determining the causes and complaints filed, with that expedition which is essential for deterring individuals from instituting vexatious claims or refusing to satisfy just demands, and for giving full effect to the principles of the Regulations. The establishing of fees on the institution and trial of suits and on petitions presented to the courts, being considered to be the best mode of putting a stop to this abuse of the ready means now afforded to individuals of availing themselves of the exercise of the laws, without obstructing the bringing forward of just claims, the following rules have been enacted.

Fee of one anna in the rupee to be paid on the institution of suits before the Munsiffs.

II. *First.* The native Commissioners vested with the powers of Munsiff under Regulation XL. 1793, are to levy from the plaintiff in every suit that may be preferred to them in the first instance, a fee of one anna in the rupee on the amount of the money or the value of the personal property, which may constitute the subject of the suit.

Suits not to be received until the fee be paid.

Second. The Munsiffs are not to receive any such suit until the prescribed fee shall have been paid.

Where the Munsiff is to record the amount of the fees received by him.

Third. The Munsiffs are to endorse on the back of the petition of complaint the amount of the fee which may be so received by them and the date of the receipt of it, and subscribe the endorsement with their signature; and they shall also state the amount after the particulars of the decision of the suit, in the third column of the monthly report which they are required to transmit to the Judge in their capacity of Munsiff, by Section XV., Regulation XL. 1793.

How the fees received by the Munsiffs are to be appropriated.

Fourth. The Munsiffs are to appropriate the fees they may collect under this Section to their own use, as a compensation for their trouble, and an indemnification for the expense which they may incur in the execution of the duties of their office.

Fees to be paid on suits preferred to the zillah and city courts.

Courts prohibited from filing the petitions until the fees be paid.

III. *First.* The following fees are to be paid by the plaintiffs on the institution of suits in the zillah and city courts, and the courts are prohibited filing any petition of complaint until the fees shall have been paid.

Fees on suits for money or personal property.

Second. In suits for money or for the value of personal property.

On sums not exceeding Sicca Rupees	Fifty	One anna per rupee.	
	Two hundred	Half an anna per rupee.	
	One thousand	Three	per cent.
	Five thousand	Two	
	Twenty-five thousand	One	
	Fifty thousand	Half	
On sums exceeding *Fifty* thousand		a Quarter	

Rules for calculating fees on all sums exceeding fifty rupees.

The fees on sums exceeding fifty rupees are to be calculated in the following manner. On sums exceeding fifty rupees and not above two hundred, one anna on fifty rupees, and half an anna on the remainder of the amount. On sums above two hundred but not exceeding a thousand, one anna on fifty rupees, half an anna on one hundred and fifty rupees, and three per cent. on the remainder of the amount. The same rule of calculation, at the prescribed rates, is to be observed on all sums exceeding one thousand rupees.

Fees on claims to malguzarry land.

Third. In suits for malguzarry land (land paying revenue to Government) fees are to be levied from the plaintiff on the amount of the annual jumma payable from the land to Government, at the rates and under the rules specified in Clause Second.

Fees on claims to lakheraje land.

Fourth. In suits for lakheraje land (land held exempt from the payment of revenue to Government) fees are to be paid by the plaintiff at the rates, and under the rules specified in Clause Second, on the annual produce of the land, which is to be estimated according to the rule prescribed in Section III., Regulation IV. 1793.

Fees on claims to real property not being malguzarry or lakheraje land.

Fifth. In suits for houses, tanks, gardens, or other real property, not being land of the descriptions specified in the two preceding clauses, fees are to be paid by the plaintiff on the estimated value of the property, at the rates and under the rules specified in Clause Second.

Registers to receive the fees paid under this section on suits determined before them.

Sixth. The fees collected under this section on suits which may be referred by the Judge to his Register for decision under Regulation VIII. 1794, shall be paid to the Register by whom the suits may be determined, or before whom they may be depending in the event of the parties adjusting them by razeenamah, and the amount shall be appropriated to his own use.

Commissioners, in their capacities of referees and arbitrators, to receive from the court the fees levied

Seventh. The fees that may be collected under this section, on suits which may be referred to the Commissioners for decision in their capacities of referees (Ameens), or arbitrators (Salisan), under Regulation XL. 1793, shall be paid by the courts to the Commissioner by whom the suits may be determined, or before whom they may be depending in the event of the parties adjusting them by razenamahs, as a compensation for their trouble, and an indemnification for the expense which they may incur in the discharge of the duties of their office.

under this section on suits determined before them.

IV. *First.* The following fees are to be paid on the trial of suits tried in the first instance by the Judges of zillah and city courts, or by their Registers.

Fees to be paid on the trial of suits in the zillah or city courts or before the Registers of those courts.

In suits for money or personal property not exceeding in amount or value two hundred sicca rupees, or for lakheraje land the annual produce of which shall not be above twenty sicca rupees, or for malguzarry land the annual jumma payable from which to Government shall not exceed two hundred sicca rupees, or for other real property the estimated value of which shall not be above two hundred sicca rupees:

On every exhibit filed in addition to the plaint, answer, reply, and rejoinder .... Four Annas.

On every witness summoned or ordered to be examined on commission .... Four Annas.

In suits for money or property, the amount, value, annual jumma, or annual produce of which may exceed that above specified, but which shall not be such as is declared to render a suit appealable to the Sudder Dewanny Adawlut:

On every exhibit filed, in addition to the plaint, answer, reply, and rejoinder .... Eight Annas.

For every witness ordered to be summoned or examined on commission .... Eight Annas.

In suits for money or property, the amount, value, annual jumma, or annual produce of which shall be such as is declared to render a cause appealable to the Sudder Dewanny Adawlut:

On every exhibit filed in addition to the plaint, answer, reply, and rejoinder .... One Rupee.

For every witness summoned or ordered to be examined on commission .... One Rupee.

Second. The fees to be levied under this section are to be paid on the determination of the suit, and the amount of them is to be invariably specified with the other costs in the decree.

Fees to be levied under this section to be paid on the determination of the suit.

Third. The fees paid under this section are to be carried to the account of Government.

Fees paid under this section to be carried to the public account.

V. *First.* In appeals to the Judges of the zillah and city courts from the decisions of the Native Commissioners appointed under Regulation XL. 1793, in their capacities of referees, arbitrators, or munsiffs, and from decisions passed by the Register under Regulation VIII. 1794, fees are to be levied on the institution of the appeal, on the amount of the money, or the value, or the annual jumma, or the annual produce of the property which may constitute the subject of the appeal, and on the trial of the appeal, at the rates and under rules and restrictions similar to those specified in Sections III. and IV.

Fees to be paid on the institution and trial of appeals from the decisions of the native Commissioners and the Registers.

Second. To prevent misconstruction it is declared, that if an appellant shall present

Persons desirous of appealing, who shall not pay the fees and present their petition of appeal within the limited time, to forfeit their right to an appeal.

present a petition of appeal to the court, or (if the decree with which the party may be dissatisfied shall have been passed by the Register) to the Register, and the Judge or Register, in conformity to the rule prescribed in Clause First, Section III., respecting petitions of complaint preferred in the first instance to the zillah and city courts, shall refuse to file the petition in consequence of the petitioner not having paid the fees, and he shall not both pay the fees and present the petition before the elapse of the time limited for filing petitions of appeal, his having presented the petition without the fees before the expiration of the limited time for appealing, shall not be considered as preserving to him his right of appeal, but his appeal shall be rejected, unless the Judge should deem it proper to admit the appeal under the discretionary power vested in him by Section XX., Regulation XL. 1793, or Clause Second, Section III., Regulation XXXVI. 1795, according as the decision appealed from may have been passed by a native Commissioner or a Register.

Fees paid under this section to be carried to the public account.

Third. The fees paid under this Section are to be carried to the account of Government.

Fees to be levied on appeals and on suits tried in the first instance in the provincial courts of appeal and the Sudder Dewanny Adawlut.

VI. *First.* In appeals preferred to the provincial courts of appeal from the decisions of the zillah and city courts, and in appeals presented to the Sudder Dewanny Adawlut from the decisions of the provincial courts of appeal, and in suits tried in the first instance in the provincial courts of appeal and in the Sudder Dewanny Adawlut, the provincial courts of appeal and the Sudder Dewanny Adawlut, respectively, are to levy fees on the institution of the appeals or suits, on the amount of the money, or the value; or the annual jumma or the annual produce of the property which may constitute the subject of the appeals or suits, and also on the trial of the appeals or suits, at the rates, and under rules and restrictions similar to those specified in Sections III. and IV., and Clause Second, Section V.

Fees paid under this section to be carried to the public account.

Second. The fees paid under this section are to be carried to the account of Government.

By whom the fees directed to be levied in the preceding sections on the institution of suits or appeals are to be ultimately paid.

VII. *First.* The fees directed to be collected in the preceding Sections of this Regulation on the institution of suits or appeals, are to be added by the court or Commissioner before whom the suits or appeals may be tried, to the costs that may be awarded against the party who may be cast, or in cases from a consideration of the circumstances of which the courts or Commissioners may deem it proper so to do, they may order the fees to be borne by the parties respectively, in such proportions as they may consider equitable.

By whom the fees on exhibits and summonses for witnesses and orders for the examination of them shall be paid.

Second. The fees on exhibits and summonses, which are directed to be paid on the determination of the suits and appeals, shall invariably be specified in the decrees with the other costs, and the amount of them shall be defrayed by the party cast, or by the parties respectively, in such proportions as the courts may deem equitable on a consideration of the circumstances of the case.

By whom the fees on exhibits and summonses for witnesses or orders for examining them are to be paid, in the event of the parties adjusting the suit or appeal by razeenamahs.

Third. In cases in which suits depending before the zillah or city courts, or the provincial courts of appeal, or the Sudder Dewanny Adawlut, shall be adjusted by the parties by razenamah, the fees which may be due on any exhibits, or summonses for witnesses, or orders for the examination of them, which may have been filed or issued, shall be collected from the plaintiff or appellant, who is to settle with the defendant or respondent the proportions in which the amount is to be defrayed by them respectively.

VIII. In cases of paupers, the Sudder Dewanny Adawlut, the provincial courts of appeal, and the zillah and city courts, are empowered to dispense with the payment of the fees directed to be levied in the preceding sections, under rules and restrictions similar to those prescribed in Regulation XLVI. 1793, regarding paupers who are unable to plead their own causes, or to find the security therein required for the payment of the fees of the Vakeels. Commissioners, in their capacity of Munsiffs, are empowered to dispense with the payment of the fees in suits instituted before them in the first instance, under the rules and restrictions prescribed to the courts in this section.

Paupers may be exempted from the payment of fees under the rules and restrictions herein specified.

Munsiffs may dispense with the payment of the fees on the institution of suits under the restrictions prescribed to the courts.

IX. Fees, calculated at the rates of the fees required to be paid on exhibits by Section IV., according to the property to which the petition may relate, shall be paid on every petition not immediately forming part of the proceedings in any suits or appeal depending before the court, which may be presented to the court of Sudder Dewanny Adawlut, or the provincial courts of appeals, or the zillah or city courts, and until the fee be paid the petition shall not be filed; unless, in consideration of the poverty of the petitioner, the court shall deem it proper to dispense with the payment of the fee, in which case they are empowered to remit it.

Fees to be taken on petitions presented to the Sudder Dewanny Adawlut and the provincial courts of appeal and the zillah and city courts.

X. *First.* The fees required to be paid in the preceding sections on the institution of suits or appeals which may be hereafter preferred to the zillah or city courts, the provincial courts of appeal, and the Sudder Dewanny Adawlut, shall be paid, under the like rules and exceptions with regard to paupers, by the plaintiff or appellant, in all suits or appeals now depending in those courts, which may have been instituted subsequent to the 1st May 1793, and prior to this date, unless the parties in such suits or appeals shall execute razenamahs and withdraw the suits or appeals, in which case they shall not be liable to the payment of such fees.

Fees above prescribed to be paid on all causes or appeals now depending in any of the courts of judicature, and instituted subsequent to the 1st of May 1793, and prior to this date.

Fees not to be paid in any of such causes or appeals which the parties may adjust amongst themselves and withdraw by razenamahs.

Second. If the plaintiffs or appellants in the suits or appeals specified in the preceding clause shall not pay the fees, or adjust and withdraw the suits, under the option allowed to them in that clause, within one month after they may be required to discharge the fees by a publication to that effect, which the several courts are required to fix up in their court-rooms as soon as may be practicable after the receipt of this Regulation, the courts in which such suits or appeals may be depending shall dismiss them, with costs to the defendant or respondent, unless the plaintiff or appellant shall show, to their satisfaction, good and sufficient cause for not having paid the fees as therein required.

Suits and appeals filed since the 1st of May 1793, and prior to this date, to be dismissed unless withdrawn, or the fees are paid within one month from the date of the publication herein specified.

Third. Persons whose suits or appeals may be dismissed under the preceding clause, shall be at liberty to re-institute them on paying the required fees.

Causes and appeals dismissed under the preceding clause may be reinstituted on payment of the fees.

Fourth. The fees which may be paid under this section are to be carried to the account of Government.

Fees to be carried to the public account.

XI. The fees above required to be paid on exhibits and summonses, or orders for the attendance or examination of witnesses, on the trial of suits or appeals that may be hereafter instituted, shall be paid under the like rules and exceptions with regard to paupers, on all such exhibits, summonses, and orders, which may be filed or issued after this date, in any suits or appeals

The prescribed fees on the trial of causes and appeals hereafter instituted to be paid in all causes and appeals now depending.

now depending in the courts, and the trial of which may be prosecuted, whether they shall have been filed previous or subsequent to the 1st May 1793, and the fees which may be so collected shall be carried to the public account.

Fees directed to be paid by Section IX. to be levied on all petitions now before the courts.

XII. The fees directed to be levied on petitions of the nature of those specified in Section IX. shall be paid under the like rules and exceptions with regard to paupers, on all such petitions as may have been presented previous to the date of this Regulation, to the courts of Sudder Dewanny Adawlut, the provincial courts of appeal, and the zillah and city courts, on which orders have not been passed, and those courts respectively are prohibited from passing any orders on such petitions until the fees be paid. The fees levied under this section are to be carried to the account of Government.

Fees paid under this section to be carried to the public account.

A. D. 1795. REGULATION XXXIX.

A REGULATION *for abolishing the Calcutta Customs or Town Duties, collected under the several Sections of Regulation XLII. 1793, from Section XXI. to the Conclusion of the said Regulation; and for reviving, with Alterations, the Government Customs formerly levied at the Port of Calcutta, and discontinued on the 20th June 1788; and prescribing to what Courts Individuals considering themselves aggrieved under the Regulations respecting the Government Customs in the Provinces of Bengal, Behar, or Orissa, by the Act of any Collector of the said Customs, or his Officers, or by any Act or Order of the Board of Trade or the Governor General in Council, are to apply in the first Instance for Redress*:—PASSED *by the Governor General in Council on the 22d May 1795 (corresponding with the 11th Jeyte, 1202 Bengal era; the 18th Jeyte, 1202, Fussily; the 11th Jeyte, 1202 Willaity; the 18th Jeyte, 1852 Sumbut; and the 2d of Zekaad, 1209 Higeree).*

Preamble.

I. PREVIOUS to the 20th June 1788, the imposts levied by Government on the trade of the provinces of Bengal, Behar, and Orissa, were of two descriptions, the Calcutta customs and the Government customs. The Calcutta customs, also denominated the Calcutta town duties, were collected by the Company in virtue of their ancient factorial rights, and were leviable on all goods whatever imported into Calcutta by land or by water, whether for consumption in the town or for the purpose of being afterwards exported from it. The Government customs were collected by the Company, as the ruling power, in the provinces of Bengal, Behar, and Orissa, and were leviable, under certain restrictions, on all goods (including the exports and imports by way of the foreign settlements) imported into, or exported from, any part of those provinces under their immediate dominion, by land or by water, either by British subjects, foreigners, natives, or others, being equally exacted on the imports and exports of the port of Calcutta, in addition to the Calcutta town duties. Merchants, however, being required to pay the Government customs, and take out a rowannah or pass from one of the custom-houses before they moved any goods, the produce of the country, from the places of provision or manufacture, these customs operated also as an internal impost on consumption, on such of the articles produced or manufactured in the country as were not exported. On the 3d November 1787, the Company judged it expedient, for reasons assigned in their orders of that date, to direct that the Government customs throughout the three provinces should be abolished. On the 20th June 1788, the Governor General in Council, on a consideration of these orders, determined that they were not meant to extend to the Calcutta customs or town duties; and at the same time that, in conformity to those orders, he abolished the custom-houses at Calcutta, Moorshedabad, Patna, Dacca, and Islamabad; he resolved that a custom-house should be established at Manjee, at the conflux of the rivers Ganges and Gogra, for the purpose of levying the Government customs on all exports and imports passing the frontier by that route. Under this arrangement, all imports and exports (excepting those which passed the frontier at Manjee or entered the port or town of Calcutta), including the imports and exports by way of the foreign settlements, became exempt from the payment of any duty to Government. This arrangement, however, having been found objectionable, both on account of the diminution which it occasioned in the public resources and the partial burden which it imposed on the trade of the town of Calcutta, it was deemed advisable, with a view to the re-establishment of the revenue formerly derived from the customs, and to the future increase of it from the expected extension of the trade of the country, as well as to place all persons, whether foreigners or others, trading to or from the Company's dominions, on the same footing, that goods imported into, or exported from any part of the provinces of Bengal, Behar, or Orissa, under the immediate dominion of the Company, and by whatever channel or route, and whether by British subjects, foreigners, natives, or others, should be equally subjected to the payment of duties. The Governor General in Council has accordingly resolved, as preparatory to this last-mentioned arrangement, to abolish the Calcutta customs or town duties, and to re-establish the Government customs formerly levied on all imports into, or exports from the provinces by the port of Calcutta, which were discontinued on the 20th June 1788; reserving for his future determination, what arrangements shall be made for collecting the Government customs on the imports or exports by way of the foreign settlements, and on the goods imported into, or exported from the said provinces, by any other channel or route than the port of Calcutta or the station of Manjee. The following rules have been accordingly enacted.

Abolition of the Calcutta customs or town duties, and of the rules in Regulation XLII. 1793, under which they were levied.

II. The duties denominated the Calcutta customs or town duties, levied on all goods and merchandize imported into the town or port of Calcutta, are hereby abolished, and all the rules for levying those duties contained in the several sections of Regulation XLII. 1798, from Section XXI. to the conclusion of the said Regulation, are hereby rescinded from the 1st June next.

Government customs at Calcutta re-established.

III. *First.* The Government customs heretofore levied on all goods imported into or exported from the port of Calcutta, and which were discontinued on the 20th June 1788, are hereby revived with certain alterations, and are to be collected under the rules hereafter specified, which are to be considered as in force from the 1st June next.

Customs to be collected by a covenanted

Second. The customs shall be collected by a covenanted servant of the Company, servant of the Company. His official appellation, and oath of office.

pany, who shall be styled "Collector of the Government customs at Calcutta," and who, previous to entering upon the execution of the duties of his office, shall take an oath of office, similar to that prescribed to the Collector of the Government customs at Manjee.

Government custom-house at Calcutta to be open from nine until two o'clock.

Third. The custom-house for the collection of the Government customs at Calcutta shall be established in the town of Calcutta, and shall be open every day (Sundays excepted) from nine o'clock in the morning until two o'clock in the afternoon.

Rules for the collection of the duties on imports by sea.

IV. *First.* The following rules are prescribed for the collection of the duties hereafter directed to be levied on imports by sea.

Tide-waiter to go on board vessels on their arrival, and to enter all particulars concerning them in his book.

Second. A tide-waiter shall go on board every vessel that may come to anchor in the port of Calcutta, and enter in his book her name, the nation to which she may belong, the name of her commander, from what port she may have sailed last, and every other particular concerning her.

Notification to be inserted in the tide-waiter's book.

Third. The following notification shall be inserted in the tide-waiter's book:

"Fort William, ... (date).

"*To all Commanders and Supercargoes of Vessels trading to the Port of*
"*Calcutta.*

"You are hereby directed, immediately on your arrival at this port, to "transmit to the custom-house a true manifest, upon oath, of all the goods and "merchandize loaded on board of your vessel, specifying at what port they "were received and to whom they belong, either on account of the owners "or on freight, together with their marks and numbers, agreeably to the "annexed form.

(Signed) "A. B.,
Collector of the Customs."

Manifest to be subjoined to the notification.

The following form of the manifest shall be subjoined to the notification:

"*Manifest of the Cargo of the Ship A., from B., commander Captain C.,*
"*under English Colours.*

Marks.	Numbers.	Packages.	Quantity of Goods.	Quality of Goods.	Where Shipped.	To whom Consigned.

Master or supercargo to deliver in his manifest at the custom-house.

Affidavit to be annexed to the manifest.

Fourth. As soon after the arrival of the vessel as may be practicable, the master or supercargo shall deliver in his manifest at the office of the Collector of the customs; and the Collector, or his deputy, shall annex the following form of an affidavit to the manifest:

"A. B., commander of the ship C., maketh oath and saith, that the "annexed manifest, to the best of his knowledge and belief, contains a true "and just account of all goods and merchandizes imported on the said ship "C. into the river Hooghly, on his account, and that the sums written "opposite to the articles are the true and just prime cost.

"*Sworn this .... day of*
"*......... before me ....*"

Manifest to be sworn to.

Certificate required from the police office.

Fifth. The master or the supercargo shall next proceed to swear to his manifest before one of the Judges of the Supreme Court of Judicature, or one of the Calcutta justices of the peace, and shall return it to the Collector of the customs' office, with a certificate from the police office, purporting that he has complied with the police Regulations passed by the Governor General in Council on the 25th of June 1788. No merchandize shall be permitted to be landed from any ship until the above rules shall have been observed; and should any goods not included in the said manifest be afterwards landed, or attempted to be landed, they shall be liable to confiscation.

After the required forms have been observed, and security taken for the duties, the goods to be landed.

Sixth. When the above forms shall have been observed, and sufficient security taken from the owners or freighters of cargo for the duties, which must be paid within ten days, they shall be permitted to land the goods.

All packages to be landed at the custom-house.

Seventh. All goods and packages, without exception, imported from Europe, shall be landed at the custom-house.

Rules to be observed in landing cargoes.

Eighth. In landing the cargoes of vessels, every separate boat-load shall be accompanied with a note addressed to the Collector of the customs, specifying the quantity and quality of the goods. The Collector of the customs shall sign an order on each separate note to weigh or examine the goods specified in it, and to pass them. No goods shall be landed without a note or permit, and great care shall be taken that no more goods are passed than the quantity specified in the permit.

Rules to be observed upon the cargoes being landed.

Bill for the duties to be made out.

V. *First.* When the cargo shall have been landed, the boat notes or permits, mentioned in the preceding section, shall be compared with the manifest; after which the Collector of the customs shall proceed to make out bills for the duties, agreeably to the following rules.

Duties to be settled by the Collector of the customs without reference.

Second. The duties on ships' manifests shall be finally settled by the Collector of the customs, without any reference.

Duties at the rate of two and a half per cent. to be levied on the Calcutta price of all foreign imports by sea.

Third. Duties shall be levied at the rate of two and a half per cent. on the Calcutta price of all foreign goods imported by sea, without any deduction, with the exceptions hereafter specified.

What duties to be levied on merchandize imported under foreign colours.

Fourth. The owners or commanders of all ships under foreign colours, importing from Europe or elsewhere, shall be required to deliver a manifest of their import cargoes on oath, and an advance of sixty per cent. shall be added to the prime cost of the articles imported on such ships, and the duty levied upon the aggregate.

Goods from sea imported into Calcutta from the foreign settlements liable to be assessed.

Fifth. European, and all other goods, from sea, imported into Calcutta from the foreign settlements, shall be assessed in the same manner as if imported into Calcutta directly from sea.

British ships importing at the foreign settlements liable to the duties.

Sixth. British ships importing at the foreign settlements shall pay duties in the same manner as if they imported at Calcutta.

The investments of the officers of the Company's ships to be assessed with duties on the amount of their invoices.

Seventh. The duties shall be levied on the investments of the captains and officers of the Honourable Company's ships on the amount of their invoices, without adding the usual per-centage.

What duties to be levied on goods, the produce of the Coromandel coast.

Eighth. An advance of fifteen per cent. shall be added to the invoice of goods, the produce or manufacture of the Coromandel coast, instead of levying the duties on the Calcutta price, and the duties shall be levied on the aggregate.

Copper herein described to pass duty free.

Ninth. Copper imported from Madras, with a certificate specifying that it has been taken from the Government of that presidency in payment of advances due on contracts with the Company, shall pass duty free.

In certain cases, the duties on imports the produce of America to be assessed on the account sales.

Tenth. As the prime cost of imports by American ships, the produce of America, cannot always be sworn to, the duties in such cases are to be levied on the account sales properly attested.

Duties how to be levied on China goods.

Eleventh. The duties shall be levied on China goods at an advance of thirty per cent. on the invoice price.

What duties to be levied on cargoes from Macao.

Twelfth. The duties on cargoes imported on Macao ships shall be levied agreeably to the account sales, delivered in upon oath. In cases in which the owners may refuse to authenticate their account sales by affidavit, an advance of forty per cent. on the prime cost shall be added, and the duties levied on the aggregate.

Moiety of the duties not to be refunded on certificates from the other presidencies.

Thirteenth. In future, the Collector of the customs shall not refund half of the duties on certificates from the other presidencies.

Rate of duty on arrack from Batavia.

Fourteenth. Batavia arrack shall be assessed at the rate of sicca rupees fifty-five per leaguer.

Bencoolen arrack not to pay the duties.

Fifteenth. Arrack imported into Calcutta from Bencoolen shall be exempted from duty.

Rules with regard to leakage and ullages of liquors.

Sixteenth. The usual deduction of ten per cent. shall be made on account of leakage, &c. of liquors. All ullages, or parts of casks, shall be filled up, and their quantity ascertained, before they are removed out of the custom-house. No deduction, or ullages, shall be allowed, after liquors have passed the custom-house.

Upon the duties of imports not being paid or security not being given for them, goods to be secured and sold.

VI. *First.* Should any person refuse or omit payment of the import duties, or if the security tendered for them should not be satisfactory, such part of the goods as may be deemed equal in value to the amount of the duties due on them shall be secured and deposited in the custom-house, until the duties shall be paid. And in the event of the duties not being liquidated within the period of two months, the goods shall, at the expiration of that period, be sold at public sale.

Proceeds of sales of goods sold under the preceding clauses how to be applied.

Second. After deducting the duties and custom-house charges, the balance of the sales of goods sold under the preceding clauses shall be paid to the owners of them on their making application for the same.

Report to be made to the Board of Trade of goods liable to sale.

Third. The Collector of the customs shall report to the Board of Trade the goods remaining unredeemed at the expiration of the two months previous to proceeding to the sale of them.

No vessels nor small craft permitted to remain within the north-west bastion of the old fort and the export

VII. Particular care shall be taken by the Collector of the customs to prevent vessels mooring or lying between the north-west bastion of the old fort and the export warehouse wharf, nearer than the middle of the stream, and no boats or small craft, excepting such as may be employed in landing goods, are to be allowed to remain within the said limits.

warehouse wharf, nearer than the middle of the stream.
Exception.

VIII. The Collector of the customs shall not allow the cargoes to be landed from any ships or vessels, the commanders of which are required to furnish the list of Europeans prescribed by the Governor General in Council on the 25th June 1788, until he receives a copy of it from the Master Attendant; and he shall also refuse permission for the landing of any cargoes belonging to the captains or officers of such ships or vessels, or of any baggage belonging to passengers that may come in them, excepting the cargoes or baggage of persons named in the list.

Collector of the customs not to allow the cargo or any baggage to be landed from vessels until furnished with the prescribed list of Europeans.

IX. The Collector of the customs shall report to the Governor General in Council, through the Board of Trade, whenever any arms or military stores, being private property, are landed from any vessels importing at Calcutta, specifying the nature, numbers, and quantity of such arms and stores, together with the name of the ship, and of the commander or consigner.

Collector of the customs to report whenever arms or military stores are landed.

X. The Collector of the customs shall grant receipts, on application being made for them, for all goods landed from ships and lodged in the custom-house. The Collector of the customs shall be held responsible for delivering from the custom-house all goods for which receipts shall have been so granted. Should the captains, officers, or passengers, omit to take such receipts upon their goods being landed and lodged as above-mentioned, they shall not be entitled to an indemnification for any part of them which may be lost in passing through the custom-house. The receipts shall be returned on clearing out the goods.

Collector of the customs to grant receipts for goods lodged in the custom-house, and to be responsible for the delivery of them.

Collector of the customs not responsible for goods for which receipts may not be taken.

XI. All duties collected on imports by sea shall be entered in a book to be kept in the following form:

Register to be kept of duties collected on imports by sea.

" *Fort William, Register of Customs collected on Imports by Sea in*
" *June 1795.*

1795.	Number and Nature of Packages.	Vessels.	From whence Imported.	Vessels under what Colours.	Merchants' Names.	Quality of Goods.	Quantity of Goods.	Amount of the Account Sales.	Amount of the Customs.

XII. No packages, casks, bales, chests, or parcels of goods, of any kind, shall be received into the custom-house godowns unless marked or numbered; and no receipts shall be granted for any packages not marked or numbered.

No packages, &c. to be received into the custom-house unless marked or numbered.

XIII. No goods shall remain in the custom-house godowns more than seven days,

No goods to remain in the custom-house

longer than seven days, unless by express permission, and remaining longer to be liable to godown rent.

days, unless by express permission; should any goods remain longer, they shall be liable to a charge for godown rent.

Account to be kept by the tide-waiters of all packages received and delivered.

XIV. An account shall be kept by the tide-waiters of all packages received into, or delivered out of the godowns.

Rules for the collection of the duties on exports.

XV. The following rules are prescribed for the collection of the duties on exports.

All goods for exportation (with certain exceptions) to be shipped from the custom-house, with permits from the Collector of the customs.

Goods from the interior of the country to be examined at the custom-house before shipped.

XVI. *First.* All goods for exportation, the property of individuals (with the exceptions hereafter to be specified), shall be shipped from the custom-house with a permit from the Collector of the customs. Goods brought for exportation from the interior of the country, previous to being shipped shall be brought to the custom-house gaut for examination.

Grain, after permission from the Collector of the customs and entry at the custom-house, may be shipped from the gauts.

Second. Grain may, by permission of the Collector of the customs, be shipped from the gauts, after it shall have been duly entered at the custom-house.

Exports on the Company's tonnage, after permission and entry at the custom-house and settlement of the duties, may be shipped from the export warehouse or other gaut.

Third. The goods of individuals going to England upon the Company's tonnage may, if permission be granted by the Board of Trade or the Export Warehouse-keeper, be shipped from the export warehouse or other gaut, after the shippers shall have duly entered and manifested their goods at the custom-house and settled for the duties.

Applications for permits to be made to the Collector of the customs.

Rules to be observed in making application.

Chellaun to accompany applications.

Fourth. All applications for permits shall be made to the Collector of the customs in writing, and shall specify the name of the vessel on which the goods are to be laden, the name of the commander, and the place to which the vessel is bound; and shall be accompanied by a chellaun or invoice, specifying the numbers and marks of the packages, the sorts and quantities of goods in each, the place of manufacture, and the aurung or prime cost.

Collector of the customs, upon suspecting piece goods not to correspond with the chellaun, to have them appraised, and to charge duties on the appraisement; and should the shipper refuse payment of such duties, the goods to be taken and paid for by the Company.

All cases of this nature to be reported to the Board of Trade.

Fifth. Should the Collector of the customs have reason to suspect any bale of piece goods not to correspond with the chellaun, he shall summon the shipper, and in his presence, should he think fit to attend, cause the goods to be examined by the Company's examiner and appraiser of piece goods, who, should they appear to him rated below the aurung cost, shall proceed to appraise them according to the best of his judgment, and certify his appraisement in writing, under his signature, to the Collector of the customs, who shall assess the goods agreeably to this appraisement. Should the shipper refuse to pay the duties upon such appraisement, the goods shall be taken on the Company's account and be paid for according to the appraisement. Each case, however, shall be reported by the Collector of the Customs to the Board of Trade, and their determination obtained previously to the property being transferred to the Company.

Consequence of bales being found to contain a greater quantity than that expressed in the chellaun.

Sixth. Should any bales be found to contain a greater quantity than may be specified in the chellaun, the whole of that day's despatch shall be liable to confiscation, and whatever goods the same person, on the faith of his chellaun, shall have before been permitted to ship on the same vessel without examination, shall be subject to double duty.

Gruff or other goods, how to be examined.

Penalties which are incurred upon such goods being found to differ from the chellaun.

Seventh. On exporting gruff or other goods, not being piece goods, one or more chests, bags, &c., at the discretion of the Collector of the customs, may be examined or weighed, subject to the same penalties, in case of a difference from the chellaun, as are specified in the preceding clause.

Eighth. All boats laden with goods or merchandize from the interior of the country shall be brought to at the custom-house. The goods on any boats attempting to pass Calcutta without permission from the Collector of the customs shall be liable to confiscation.

All boats with goods from the country to stop at the custom-house, on pain of confiscation of their lading.

Ninth. Goods for exportation free from duty shall be entered at the custom-house, as required with regard to goods paying duties by Clause First of this section.

Exports duty free to be entered at the custom-house.

XVII. *First.* Duties shall be collected on the aurung or prime cost of all goods exported from Calcutta, at the rate of two and a half per cent., without any deduction, the following goods excepted, which are exempted from duties:

Rate of duties to be levied on goods exported from Calcutta.

Goods exempted from duties.

Grain of all sorts.
Opium purchased at the Company's sales.
Indigo,
Raw Silk, } exported on the Company's ships to the port of London.
Carriages.
Palanquins, mahanna, and chair.
Brass and copper utensils.
Spirits distilled after the European manner, in Bengal, Behar, or the Company's portion of Orissa.

Second. Goods imported declaredly for re-exportation shall, on re-exportation, be allowed a drawback of the whole of the duties paid on importation.

Drawback allowed on the re-exportation of goods imported for re-exportation;

Third. A similar drawback shall be allowed on indigo imported into Bengal from Manilla, which may be re-exported to England on the Company's ships.

and on indigo from Manilla re-exported on the Company's tonnage.

Fourth. Persons who may be desirous of exporting opium purchased at the Company's sales, shall produce a certificate from the Board of Trade, or their officers, signifying that the opium in question was purchased at the Company's sales. The certificate must specify the purchase, lot, the mark and number upon each of the chests applied for, the name of the purchaser, the cost of the opium, and the date of the sale. Any opium not really purchased at the Company's sales, and attempted to be passed as such, or differing from the cost stated in the certificate, shall be liable to confiscation.

Measures to be taken by persons desirous of exporting opium purchased at the Company's sales.

Opium attempted to be passed as purchased at the Company's sales, not being such, liable to confiscation.

Fifth. Persons desirous of sending presents to Europe, as permitted by the Honourable Court of Directors, shall pay the export duties thereupon. The parcels or packages containing presents, the value of which shall not exceed one hundred pounds sterling, shall in future be registered at the office of the Secretary to the Board of Trade; and when application is made to him for such registry, it must be accompanied by a certificate from the Collector of the customs that the duties have been duly settled. The Secretary to the Board of Trade shall not register any parcel or package, or grant an order for its being received on board any of the Company's ships, without the required certificate.

Duties to be paid on presents to Europe.

Parcels, &c. containing presents not exceeding the value of £100 sterling, to be registered by the Secretary to the Board of Trade.

Applications for registry to be accompanied by certificate of the settlement of the duties.

No registry to be made without certificate.

Sixth. British ships exporting from the foreign settlements shall pay duties in the same manner as if they exported from Calcutta.

British ships exporting from the foreign settlements liable to the duties.

Seventh. Goods, the produce of the Company's provinces, imported from Bengal at Fort St. George or Bombay, shall be exempt from the import duties at those places, on the production of a certificate in the following form, with which the shipper, on his application, will be furnished by the Collector of the customs:

Goods the produce of the Company's territories, imported from Bengal at Fort St. George and Bombay, to be exempted from duties on producing a certificate, which the Collector of the customs is to grant.

" Calcutta Custom-House, ... 179...

" *This is to certify, that the following Merchandize, declared to be the Produce " of Bengal and its Dependencies, has been shipped from Calcutta for the " Port of............, on the Ship ....*

Quality of Goods.	Number of Packages.	Nature of Packages.	Marks and Numbers.	Quantity of Goods.

Bills to be made out for the duties which are to be paid, or security given for the payment of them, in ten days before shipping the goods.

Eighth. Official bills shall be made out for the duties, and the amount shall be paid, or security given for the payment of it, in ten days before the goods shall be permitted to be shipped.

Registry to be made of the duties collected on exports.

Ninth. All duties collected on exports shall be entered in a book, to be kept in the following form:

" *Fort William, Register of Customs collected on Exports by Sea in " June* 1795.

1795.	Number and Nature of Packages.	Place of Manufacture.	Merchants' Names.	Quality of Goods.	Quantity of Goods.	Amount of Invoices.	Amount of Customs.

Registry to be made of goods exported duty free.

Tenth. All goods exported free of duty shall be entered in a book, to be kept in the following form:

" *Fort William, Register of Goods exported free of Customs in June* 1795.

1795.	Numbers and Nature of Packages.	Place of Manufacture.	Merchants' Names.	Quality of Goods.	Quantity of Goods.	Amount of Invoices.

XVIII. *First.* Goods of individuals for exportation on the Company's tonnage shall not be permitted to be laden until the duties shall have been settled and paid; or, in the case of their being exempt from duties, until the entry prescribed in Clause Tenth, Section XVII., shall have been made: the same to be certified by the Collector of the customs at the foot of the manifest to be delivered at the export warehouse.

Goods for exportation on the Company's tonnage not to be laden until the payment and settlement of the duties, or if duty free, until entered as prescribed in Clause Tenth, Section XVII.

Second. The Master Attendant shall not grant a pilot to any vessel, until a certificate shall be produced to him from the Collector of the customs of the duties on her cargo, both import and export, having been paid or settled; or of her export cargo, if exempt from duties, having been entered at the custom-house, as directed in Clause Tenth, Section XVII.; and also of the police Regulations of the 25th June 1788 having been complied with.

Master Attendant not to grant a pilot to any vessel until furnished with certificate of the payment or settlement of the export and import duties, and of the entry prescribed in Clause Tenth, Section XVII.; and of the police Regulations of the 25th June 1788, having been complied with.

Third. The pilot of every vessel which may have obtained her clearance shall be ordered by the Master Attendant not to permit any goods or merchandize to be received on board, unless the goods shall be accompanied by a certificate from the Collector of the customs of their having paid or settled the export duties.

Pilot not to admit any goods to be received on board after the vessel has obtained her clearance, unless accompanied by a certificate of the payment or settlement of the duties.

Fourth. If the commander of any vessel shall, notwithstanding the remonstrance of the pilot, receive on board any goods or merchandize not accompanied with a certificate as prescribed in the preceding clause, the pilot shall immediately report the circumstance to the Master Attendant, and detain the vessel for his further orders; and all goods in such predicament shall be liable to confiscation.

Pilot to detain any vessel on board which goods may be received without the required certificate, and report the circumstance.

Goods in such predicament liable to confiscation.

XIX. *First.* Whenever goods shall be stopped on the grounds of their being liable to confiscation, the Collector of the customs shall, without delay, report the case for the determination of the Board of Trade.

Collector of the customs to report to the Board of Trade whenever goods may be retained as liable to confiscation.

Second. In the event of goods or merchandize being confiscated under this Regulation, the net sale proceeds shall be divided as follows:

The net sale proceeds of confiscated goods how to be appropriated.

One-fifth between the Collector of the customs and his Deputy, in the proportion of two-thirds to the former and one-third to the latter.

Two-fifths to the informer or seizer.

Two-fifths to the Company.

XX. The

Fees authorized to be charged by the Collector of the customs.

XX. The Collector of the customs shall charge for his own benefit the following fees:

Five sicca rupees upon each port clearance.

Five per cent. upon the amount of each of his bills for the export and import duties.

Payment of the above fees to be enforced in the same manner as payment of the duties.

Amount of fees collected to be reported to the Board of Trade.

The Collector of the customs shall be at liberty to enforce payment of the above fees, in the same manner as is prescribed for enforcing payment of the customs. And he shall report monthly to the Board of Trade the amount charged and collected for fees, distinguishing those for clearances from those on the bills.

Discretion vested in the Collector of the customs of passing parcels and necessaries.

XXI. Parcels for individuals and necessaries shall be passed at the discretion of the Collector of the customs.

Complaints of persons respecting the Government customs, levied at Calcutta, cognizable in the Dewanny Adawlut of the Twenty-four Pergunnahs.

XXII. *First.* That no doubt may be entertained in consequence of the Collector of the Government customs at Calcutta residing and carrying on the public business within the limits of the town of Calcutta, to what court of Dewanny Adawlut persons are to be at liberty to apply for redress, under Sections X. and XI., Regulation III. 1793, in the event of their deeming themselves aggrieved under any Regulation printed and published in the manner prescribed in Regulation XLI. 1793, by any official acts done by the said Collector or by his Deputy or Assistant, or by any European or native officers employed under him in the collection of the customs, or by any act done by the Collector or any of his officers, pursuant to a special order of the Board of Trade or of the Governor General in Council, it is hereby declared, that the complaints of persons considering themselves so aggrieved shall be cognizable in the first instance in the Dewanny Adawlut of the zillah of the Twenty-four Pergunnahs, in the same manner as if the Collector resided and carried on the public business within the jurisdiction of the said court.

Complaints respecting the customs at other stations where cognizable.

Second. Complaints of the nature of those described in the preceding clause, for acts done by any Collector of the Government customs stationed out of the limits of the town of Calcutta, or by any of his officers, are declared cognizable in the court of Dewanny Adawlut within the jurisdiction of which the custom-house may be established.

Cases in which Collectors of Government customs are to defend suits instituted against them for a breach of the Regulations at their own risk.

XXIII. In suits instituted against a Collector of the Government customs, whether stationed within or without the limits of Calcutta, and where the act complained of shall not have been done pursuant to special orders from the Board of Trade or the Governor General in Council, the party complained against is to appoint one of the authorized Vakeels of the court to defend the suit at his own risk.

Collectors may take upon themselves the defence of suits instituted against their officers.

XXIV. The Collectors may take upon themselves the defence of any suits which may be instituted against their officers; but, in such cases, the Collectors are to be answerable for the decree of the court, in the same manner as if the suit had been originally instituted against themselves.

Process issued against the Collector how to be served.

XXV. When written process shall be issued by a court of civil judicature to a Collector, the Judge or the Register to the court shall transmit it under a sealed cover addressed to the Collector in the form of a letter, and superscribed with his name and official appellation. The Collector shall immediately acknowledge the receipt of the process by an endorsement to that effect on the instrument, and return it under a sealed cover addressed to the Judge or the Register of the court from which it may have issued.

By whom decrees, costs and damages, given against Collectors of Government customs, or their officers, are to be made good.

XXVI. Where the Board of Trade shall approve of a decision given against a Collector or any of his officers, in a suit in which they may have been engaged in their official capacity, and which may not have been prosecuted or defended by them pursuant to orders from the Board or the Governor General in Council, they are empowered to make the Collector or his officer by whom the act complained of may have been done, responsible for the whole or any part of the costs and damages awarded by the decree, or of the decree itself, if, upon a consideration of the merits of the case, and of the conduct of the person against whom the decree may be given, or by whom the act complained of may have been done, they shall be of opinion that the Company ought not to be charged with all or any part of such costs, damages, or decree. But, in such cases, the person whom they may so determine to hold responsible may appeal the cause at his own risk and cost.

Board of Trade may authorize an appeal from any decision passed against a Collector or his officers.

XXVII. If the Board of Trade shall be dissatisfied with a decree passed against a Collector, or any of his officers, in suits in which they may have been engaged, either with or without their orders or the orders of the Governor General in Council, they may authorize an appeal from it under the Regulations; and in the event of their lodging an appeal, it shall be carried on in the provincial court of appeal and in the Sudder Dewanny Adawlut (should the cause be carried to the last-mentioned court) by the Vakeel of Government, or by any other authorized Vakeel of the court into which the cause may be brought, notwithstanding any thing that may be said to the contrary in any Regulation passed on this date.

Security not to be demanded from Collectors of Government customs for their appearance, or for costs or damages or decrees.

XXVIII. Security shall not be demanded from the Collectors for their personal appearance in any suit in which they may be engaged in their official capacity; nor shall security be required from them for the payment of costs or damages, nor for the performance of the decrees or orders of the courts, as Government will be responsible for causing the Collectors to answer to all such suits as may be instituted against them, and to make good the decrees or orders of the court.

Collectors not liable to prosecution for the acts of their predecessors.

XXIX. The Collectors shall not be liable to prosecution for any official act of their predecessors. But any person who may be removed from the office of Collector of the Government customs is to carry on, in the same manner as if he had continued in the office, all suits in which he may be engaged in his official capacity, unless the Board of Trade, upon a consideration of the circumstances of the cases, shall deem it advisable to order his successor to prosecute or defend the suits. This rule, however, is not to extend to suits in which a Collector who may have been removed shall have been engaged, in consequence of orders from the Board of Trade or the Governor General in Council. All such suits are to be carried on by the Collector of the Government customs for the time being, and at the risk and expense of Government.

What suits they are bound to defend after removal from office.

Collectors allowed to forward instructions to their Vakeels by the dawk free of postage.

Instructions to be sealed, and enclosed under a sealed cover addressed to the Register of the court, who is to deliver them sealed.

The Vakeels may, in like manner, forward papers to their constituents through the Register.

XXX. To facilitate the communication between the Collectors and their Vakeels in the zillah or city courts, or the provincial courts of appeal, or the Sudder Dewanny Adawlut, who may be entrusted with the conduct of any suits or appeals in which they may be engaged in their official capacity, either whilst they may continue in the office or after their removal from it, they are permitted to forward, free of postage, any instructions which they may have to transmit to their Vakeels in those courts. The instructions are to be enclosed under a sealed cover directed to the Vakeel. The instructions, so sealed and directed, are to be transmitted under a sealed cover addressed to the Register of the court in which the cause may be depending, and superscribed with the name and official appellation of the person despatching it, or that which he bore when the cause of action arose. The Register of the court, immediately on receiving the instructions, is to deliver them sealed to the Vakeel to whom they may be directed. In like manner, the Vakeels in any of the courts, to whom the pleading of such suits or appeals may be committed by the Collector, are authorized, either whilst their constituents remain in such office, or after they shall have been removed from it, to forward any papers which they may have to convey to their constituents by the public dawk, free of postage. The papers are to be enclosed in a cover, sealed with the seal of the Vakeel; and the Judge, or the Register to the court, is to transmit the papers, so sealed, in a cover sealed and addressed to the person to whom they are to be forwarded, and superscribed with his official signature.

Cases in which the Board of Trade are to take upon themselves the prosecution or defence of suits or appeals.

XXXI. In cases in which the Board of Trade may judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they are to take upon themselves the superintendence of the prosecution or defence of any suit or appeal, in which they, or any of their officers, may be engaged, either in a zillah or city court, or in a provincial court of appeal, or in the Sudder Dewanny Adawlut, instead of leaving the conduct of the suit or appeal to the Collector.

Collectors not to derive any advantage from suits.

Nor to sustain any loss if their conduct be approved.

Sums disbursed by Collectors of the Government customs not to be carried to the debit of the Company without orders from the superior authorities.

XXXII. The Collectors shall not derive any advantage whatever from suits in the courts of justice in which they may be engaged, or in any wise concerned in their official capacity. On the other hand, it is not intended that the Collectors should sustain any loss in consequence of such suits, where their conduct may be adjudged to be conformable to the Regulations, or may be approved by the Board of Trade or the Governor General in Council. The Collectors are accordingly to bring to the credit of the Company in their accounts, all sums whatever that may be adjudged to them by any of the courts of justice, and they are to note at the foot of their accounts, or in a separate account, or under a distinct head in their accounts, according as the Board of Trade may direct, all sums which they may disburse, or be adjudged to pay, on account of suits in which they may be engaged or be concerned in their official capacity; but no such disbursements or payments are to be considered as passed to the debit of the Company, until the previous sanction of the Board of Trade, or the Governor General in Council, shall have been obtained for that purpose; and until such sanction is procured, the Collector making the disbursements or payments is to be held answerable for the amount.

XXXIII. All

Rules in this Regulation applicable to Assistants and Deputies.

XXXIII. All the rules in this Regulation respecting Collectors are to be considered equally applicable to their Assistants or Deputies, being covenanted servants of the Company, whilst officiating as Collectors in the absence of the Collectors, or whilst the office of Collector is vacant.

A. D. 1795. REGULATION XL.

A Regulation *for modifying such Parts of Section III., and Clause Third, Section VIII., and Section IX., Regulation XXX.* 1793, *as relate to the Rewards payable on Information being given of the illicit Manufacture, Transportation, or Importation of Salt; and for increasing the Rewards, and authorizing the Servants of Government to benefit by them; and for modifying and altering the Rules and Restrictions contained in Section IV., Regulation XXX.* 1793, *and Sections XXXIV. and XXXV., Regulation XLII.* 1793, *in respect to the Importation of Muscat Salt:* Passed *by the Governor General in Council on the* 1*st June* 1795 *(corresponding with the* 21*st Jeyte,* 1202 *Bengal era; the* 28*th Jeyte,* 1202 *Fussily; the* 21*st Jeyte,* 1202 *Willaity; the* 28*th Jeyte,* 1852 *Sumbut; and the* 12*th Zekaad,* 1209 *Higeree).*

I. Government being of opinion, that an increase of the reward payable on seizures of contraband salt according to Regulation XXX. 1793, the prompt payment of it, and the extension of the benefits arising from seizures to the officers of the Salt department, who have not hitherto participated in them however instrumental or active they may have been in effecting the seizures, would contribute greatly to the detection of any illicit manufacture or trade in this article; and many instances of the illicit importation of Muscat salt having occurred, and the Governor General in Council being desirous of putting a stop to such practice in future, and at the same time of continuing to the port of Muscat the privilege of importing salt the produce of that place to a certain extent, the following rules have been enacted.

Reward to which persons are entitled, for giving information of the illegal manufacture, sale, transportation, or importation of salt.

II. All persons who may give information of salt illegally manufactured, sold, or transported within, or imported into the Company's provinces of Bengal or Behar, or that part of Orissa which is under the dominion of the Company, or of any description of contraband salt, provided such salt be attached in consequence of their information, shall be entitled to a reward of twenty-five per cent. on the value, to be estimated by the medium price at which the salt of the district where the seizure may be made shall have sold at the last public sales preceding the attachment. All officers of Government to whom the information may be given, and who may be immediately concerned in making the attachment, shall be entitled to an equal reward, that is to say, twenty-five per cent. on the value as above specified; subject, however, to the discretion of the Board of Trade to make the distribution of the reward to one or more persons, as their conduct may respectively appear to merit.

Reward to which the officers of Government are entitled for the seizure of such salt.

Reward to officers of Government seizing such contraband salt without information given them.

III. In case any attachments should be made of such salt wholly by the officers of Government, and not upon information, the persons concerned in making such attachment shall be entitled to a reward of fifty per cent. upon the value, to be estimated by the medium price at which the salt of the district where the seizure may be made shall have sold at the last public sales preceding the attachment; subject, however, to the discretion of the Board of Trade to make the distribution of the reward to one or more persons, as their conduct respectively shall appear to merit.

Reward when to be paid.

IV. All persons who shall become entitled to the reward for the information or the attachment of such salt shall be paid by the Board of Trade immediately that the confiscation of such salt shall be declared to be legal, and the judgment on it to be final.

What reward to be granted on the seizure of coast or foreign salt.

V. The reward to be granted on coast salt, or any other foreign salt, that may be seized, shall be regulated by the price at which salt of the same description as that attached may have sold at the last sale preceding the seizure.

Certain parts of Regulations XXX. and XLII. 1793, annulled, and rules substituted in their stead.

VI. Section IV., Regulation XXX. 1793, and Sections XXXIV. and XXXV., Regulation XLII. 1793, are hereby annulled, and shall cease to be in force from the 1st August 1795, and the following rules shall take effect in their stead.

The privilege of importing Muscat salt on a ship from Bombay disallowed.

VII. *First.* There being ground to believe that salt manufactured on the island of Bombay, or in its neighbourhood, has often been imported under the plea of its being Muscat salt, the former privilege of importing two hundred maunds of Muscat salt on a ship from Bombay is discontinued.

Muscat salt to be imported in ships from Muscat, and to be accompanied by a certificate from the Muscat custom officers.

Second. No salt under the denomination of Muscat salt shall be allowed to be imported into Bengal, Behar, or that part of Orissa which is under the dominion of the Company, unless it shall be imported on a ship coming from Muscat, and be accompanied by a certificate, duly authenticated by the officers of the customs at Muscat, of its being the produce of that place.

Quantity to be imported on any one vessel restricted.

Third. No greater quantity than five hundred maunds, of eighty-two sicca weight to the seer, shall be imported on any one vessel.

Muscat salt imported in opposition to the restrictions contained in the preceding section to be confiscated.

Rewards to be paid to persons giving information and making seizures of Muscat salt so illicitly imported, according to Sections II. and III.

VIII. Any quantity of salt under the denomination of Muscat salt, attempted to be imported in opposition to the restrictions contained in the preceding section, shall be confiscated. Any person giving information of Muscat salt so illicitly imported, shall receive a reward of twenty-five per cent., calculated at the selling price of salt of this description disposed of at the last public sale antecedent to the seizure; and twenty-five per cent. more shall be distributed among the officers of Government who may be immediately concerned in making the seizure. But should the seizure be made wholly by the officers of Government, and not upon any information given them, the persons concerned in making it shall receive a reward of fifty per cent. calculated as above, in conformity to Sections II. and III. of this Regulation.

Muscat salt to be delivered on account of the Company at a certain price specified.

Custom-master to be furnished with an account of the quantity imported;

and such quantity to be paid for on producing the Golah-keeper's receipt for it.

Certain duties formerly levied on this salt abolished.

IX. All the rock salt from Muscat hereby allowed to be imported, shall be delivered on shore at the Company's golahs near Sulkea on account of the Company, at the fixed price of sicca rupees two hundred the hundred maunds of eighty-two sicca weight to the seer. The Deputy Secretary to the Board of Trade shall furnish the Collector of Government customs with an account of the quantity imported, which shall be paid for at the salt office at the above rate on the production of the Golah-keeper's receipt for the salt. The rowannah duty of sicca rupees thirty per hundred maunds, and the import duty of four per cent. on the assumed value hitherto paid on this salt, shall not be levied in future.

Rules in Section V., Regulation XXX. 1793, continued in force.

X. The powers vested in the officers of the Salt department, by Section V., Regulation XXX. 1793, are still continued to them, and the Magistrates and Darogahs of police are to afford them, as heretofore, the assistance therein prescribed.

A.D. 1795. REGULATION XLI.

A REGULATION *prescribing Rules for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the Payment of Revenue to Government in the Province of Benares, under Grants not being of the Description of those termed badshahee or royal, nor made by the supreme Power for the time being; and for determining the Amount of the annual Assessment to be imposed on Lands so held, which may be adjudged or become liable to the Payment of public Revenue:* PASSED *by the Governor General in Council on the 31st July* 1795 *(corresponding with the* 18*th Sawun,* 1202 *Bengal era; the* 29*th Sawun,* 1202 *Fussily; the* 18*th Sawun,* 1202 *Willaity; the* 29*th Sawun,* 1852 *Sumbut; and the* 13*th Mohurrum,* 1210 *Higeree).*

I. BY the ancient law of the country, the ruling power is entitled to a certain proportion of the produce of every begah of land (demandable in money or kind according to local custom), unless it transfers its right thereto for a term or in perpetuity, or limits the public demand upon the whole of the lands belonging to an individual, leaving him to appropriate to his own use the difference between the value of such proportion of the produce and the sum payable to the public, whilst he continues to discharge the latter. As a necessary consequence of this law, if a Zemindar made a grant of any part of his lands to be held exempt from the payment of revenue, it was considered void, from being an alienation of the dues of Government without its sanction. Had the validity of such grants been admitted, it is obvious that the revenue of Government would have been liable to gradual diminution. Numerous grants, however, of this description have been made, not only by the Zemindars but by Aumils, and other officers of Government appointed to the temporary superintendence of the collection of the revenue, under the pretext that the produce of the lands was to be applied to religious or charitable uses. Of these grants, some were applied to the purposes for which they were professed to have been made; but in general they were given for the personal advantage of the grantee, or with a view to the clandestine appropriation of the produce to the use of the granter, or sold to supply his private exigencies. In conformity to the principles which prevailed under the native administration, the British Government have at various times declared all grants for holding land exempt from the payment of revenue made since the 1st July 1775 (the date of the final cession of the province of Benares to the Company), without their sanction, illegal and void; and the Governor General in Council deems it incumbent on him to recover the public dues thus alienated in opposition to the ancient and existing laws of the country, as also to resume the revenue of all lands the grants for which have expired, the proprietors of estates not being entitled to collect such of the public dues from the lands included in their estates, as Government may have judged it advisable to transfer to individuals, or to resume those which have been alienated by themselves or others, the amount in both cases being excluded from the assets on which the permanent settlement has been formed. The Governor General in Council, however, at the same time that he is desirous of recovering the public dues from lands which have been illegally alienated, is equally solicitous that persons holding such grants under titles that are declared valid should be secured in the possession and enjoyment of their property. It is likewise his wish, that the recovery of the dues of Government from those lands which have been illegally alienated previous to the commencement of the fussily year 1196, should be attended with as little distress as possible to the possessors; and to obviate all injustice or extortion in the inquiry into the titles of persons holding exempted lands, he has further resolved that the claims of the public on their lands (provided they register the grants as required in this Regulation) shall be tried in the courts of judicature, that no such exempted lands may be subjected to the payment of revenue until the titles of the proprietors shall have been adjudged invalid by a final judicial decree. Upon the above grounds, and with a view to facilitate the recovery of the public dues from lands held exempted under invalid grants, as well as to prevent any similar alienations being hereafter made, to the prejudice of the security of the public revenue which has been assessed in perpetuity upon the estates of individuals; and further, that Government and the officers employed in the collection of the public revenue may at all times have in their possession a correct register of the lands in the province of Benares held exempt from the payment of revenue, the following rules have been enacted.

Grants of alienated land made previous to the 1st July 1775 declared valid, provided the grantee obtained possession before that date, and has since held possession without paying revenue.

II. *First.* All grants for holding land exempt from the payment of revenue, made previous to the 1st July 1775, the date of the cession of the province of Benares to the Company, by whatever authority, and whether by a writing or without a writing, shall be deemed valid, provided the grantee actually and *bonâ fide* obtained possession of the land so granted previous to the date abovementioned, and the land shall not have been subsequently rendered subject to the payment of revenue by the officers or the orders of Government. If it shall be proved, to the satisfaction of the court, that the grantee did not obtain possession of the land so granted previous to the 1st July 1775, or that he did obtain possession of it prior to that date, but that it has been since subjected to the payment of revenue by the officers or the orders of Government, the grant shall not be deemed valid.

Grants made before the 1st July 1775 of no validity, if possession was not obtained prior thereto, or the lands have been since subjected to the payment of revenue.

Courts to refer to the Governor General in Council, in the event of their entertaining doubts as to the authority of any officer of Government who may have subjected exempted land granted before the 1st July 1775 to the payment of revenue.

Second. In the event, however, of a claim being preferred by any person to hold land exempt from the payment of revenue under a grant made previous to the 1st July 1775, and of it being proved, to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed, that the grantee held the land exempt from the payment of revenue previous to that date, but that it was subjected to the payment of revenue posterior thereto by an officer of Government, and the court shall entertain doubts as to the competency of such officer, under the powers vested in him, to subject the lands to the payment of revenue, the court shall suspend its judgment, and report the circumstances to the Governor General in

Council, to whom a power is reserved of determining whether such officer was or was not competent to subject the land to the payment of revenue; and upon receiving the determination of the Governor General in Council the court is to decide accordingly. No such claim, however, to hold exempt from the payment of revenue land that may have been subjected to the payment of revenue for the twelve years preceding the date on which the claim may be instituted shall be heard by the city or any zillah court, unless the claimant can shew good and sufficient cause for not having preferred the claim to a competent jurisdiction within the twelve years, and proceeded in it, as required by Section VIII., Regulation VII. 1795.

Claims to hold exempted from revenue lands that have paid revenue for twelve years, not to be heard.

Exception.

Third. But no part of the two preceding clauses is to be construed to empower the courts to adjudge any person, not being the original grantee, entitled to hold exempt from the payment of revenue land now subject to the payment of revenue, under a grant made previous to the cession of Benares to the Company, the writing for which may expressly specify it to have been given for the life of the grantee only, or supposing no such specification to have been made in the writing, or the writing not to be forthcoming, or no writing to have been executed, where the grant from the nature and denomination of it shall be proved to be a life tenure only, according to the ancient usages of the country.

No persons not being the original grantees, to be entitled to hold exempt from the payment of revenue lands now subject to the payment of revenue, under grants for life made previous to the last cession of Benares.

Fourth. Nor to entitle the heirs of any person now holding land exempt from the payment of public revenue under a grant made previous to the 1st July 1775, to succeed to and hold such land exempt from the payment of revenue upon the demise of the present possessor, where the writing for such grant may expressly specify it to have been given for the life of the grantee only, or supposing no such specification to have been made in the writing, or the writing not to be forthcoming, or no writing to have been executed, where from the nature and denomination of the grant it shall be proved to be a life tenure only, according to the ancient usages of the country. Nor to entitle the heir to any such person to hold the lands exempt from the payment of revenue after his demise, supposing the writing for the grant not to specify whether it was to be considered hereditary or otherwise, unless it shall be proved to the satisfaction of the court, that the grant, from the nature and denomination of it, is hereditary, according to the ancient usages of the country. But upon the demise of the present possessor of any such grant, which may be adjudged not hereditary under this clause, if it shall appear that one or more successions, in virtue of whatever right, shall have taken place before the 1st July 1775, the lands shall not be subjected to the payment of revenue under the decree, without the sanction of the Governor General in Council, to whom a copy of the proceedings and decree of the court is to be transmitted, and to whom is reserved a power of declaring the lands subject to the payment of revenue, or not, as may appear to him proper.

The heirs of persons now possessing exempted lands under life grants made previous to the 1st July 1775, not entitled to hold such lands exempt from the payment of revenue upon the death of the present possessor.

Power reserved to the Governor General in Council of determining whether life grants to which one or more successions, of whatever nature, may have taken place prior to the 1st July 1775, shall be subjected to the payment of revenue or not, on the death of the present possessor.

Fifth. The present possessors of lands now exempt from the payment of revenue, under such life grants made previous to the 1st of July 1775, and declared by the preceding clause not to be hereditary, are prohibited from selling, or otherwise transferring them, or mortgaging the revenue of them for a longer period than their own lives, and all such transfers and mortgages are declared illegal and void. It is to be understood, however, that if any such life grants shall have been confirmed as hereditary tenures by Government, or

The present possessors of such life grants prohibited from transferring them, or mortgaging the revenue of them, beyond their own lives.

Such life grants, if confirmed by Government or its officers, not to be subject to the pay-

by

ment of revenue on the death of the present possessor.

by the officers of Government empowered so to confirm them, they are not to be liable to the payment of revenue on the death of the present possessor, and are to be excepted from the other rules contained in this and the preceding clause. If doubts shall arise in any court, as to the competency of the authority of any officer of Government to confirm any such life grant as hereditary, the court is to suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining finally whether such officer possessed competent authority to confirm the grant as hereditary, or not, and the court, upon receiving the determination of the Governor General in Council, is to decide accordingly.

All grants made or confirmed since the 1st July 1775, excepting by the authority of Government or its officers duly empowered, declared invalid.

III. *First.* All grants for holding land exempt from the payment of revenue, which may have been made since the 1st July 1775, and previous to the beginning of the Fussily year 1196, by any other authority than that of Government, and which may not have been confirmed by Government or by any officer empowered to confirm them, are declared invalid.

Courts how to proceed in the event of their entertaining doubts of the authority of the officer to confirm the grant.

Second. If doubts shall be entertained by any court as to the competency of the authority of any officer to confirm any such grant, the court is to suspend its judgment, and report the circumstances of the case to the Governor General in Council, to whom a power is reserved of determining finally whether the officer possessed competent authority to confirm the grant, or otherwise; and the court, upon receiving the determination of the Governor General in Council, shall decide accordingly.

Exception in favour of lands not exceeding ten begahs granted before the dates herein specified, which are appropriated to religious or charitable purposes.

Third. The rule contained in Clause First is not to be considered to extend to authorize the subjecting to the payment of revenue, any land, the grants for which, whether for the life of the grantee or otherwise, were made previous to the 1st of July 1775, where the quantity of land granted shall not exceed ten begahs, and the produce of it is *bonâ fide* appropriated as an endowment on temples, or to the maintenance of Brahmins, or other religious or charitable purposes. The rule in this clause is declared to extend also to all grants of land whatever not exceeding ten begahs, made previous to the above date, the produce of which may be now so appropriated.

Questions regarding the proprietary right in lands alienated before the commencement of the Fussily year 1196, and adjudged liable to the payment of revenue, to be determined in the Dewanny Adawlut; this Regulation with respect to such lands relating only to the revenue.

IV. This Regulation, as far as regards lands alienated previous to the commencement of the Fussily year 1196, respects only the question whether they are liable to the payment of revenue or otherwise. Every dispute or claim regarding the proprietary right in lands alienated previous to that date, and which in conformity to this Regulation may become subject to the payment of revenue, is to be considered as a matter of a private nature to be determined by the courts of Dewanny Adawlut, in the event of any dispute or claim arising respecting it between the grantee and the grantor, or their respective heirs or successors. The grantees, or the present possessors, until dispossessed by a decree of the Dewanny Adawlut, are to be considered as the proprietors of the lands, with the same right of property therein as is declared to be vested in proprietors of estates subject to the payment of revenue, and they are to execute engagements for the revenue with which their lands may be declared chargeable, either to Government, or to the proprietor or farmer of the estate in which the lands may be situated, or to the officer of Government (according as the revenue of the estate in which the land may be situated may be payable by the proprietor or a farmer, or collected khas), under the rules for the permanent settlement. If by the decision of the Dewanny Adawlut the proprietary right in the land shall be transferred, the person succeeding thereto is, in like manner, to be responsible for the payment of the revenue assessed or chargeable thereon.

Benefits arising to the grantee or possessor by his being continued in possession of the land under the preceding section.

V. By continuing the proprietary right in the land to the grantee or possessor, as specified in the preceding section, instead of dispossessing him of the land altogether, agreeably to former usage, and assessing the land in the mode prescribed in the two following sections, a liberal provision will be left to him. Where the grant may have been made subsequent to the 1st July 1775, and previous to the 31st August 1781, the proprietor will hold his land as an estate paying a fixed revenue of only half the amount assessed on other malguzarry lands in the country; and where the grant may have been made subsequent to the last-mentioned period, and previous to the commencement of the Fussily year 1196, he will hold the land subject to the payment of the same revenue as other lands assessed with revenue under the rules for the permanent settlement, as hereafter directed.

To whom the revenue assessed on lands not exceeding fifty begahs, alienated before the Fussily year 1196, shall belong.

VI. The revenue assessable under Section IX. on land not exceeding fifty begahs of the measurement that may prevail in the pergunnah wherein it may be situated, and whether lying in one village, or two or more villages, and that may have been alienated by any one grant made previous to the Fussily year 1196, and which may be adjudged or become liable to the payment of revenue, shall belong to the person or persons responsible for the discharge of the revenue of the estate or putteedarry in which the land may be situated, notwithstanding any thing said in Section V., Regulation XXVII. 1795, and he shall not be liable to the payment of any additional revenue on account of the assessment which may be chargeable on such lands, during the continuance of the engagements under which he may pay the revenue of such estate or putteedarry, when the land may be so adjudged liable to the payment of revenue. If the estate or putteedarry shall be held amauny or khas when the lands are declared liable to the payment of revenue, the amount is to be collected by, and paid to, whomsoever the rents and revenue of the estate or talook may be payable, until a settlement shall be concluded for the revenue of it, either with the proprietor or a farmer.

The revenue assessable on lands exceeding fifty begahs, alienated prior to the Fussily year 1196, declared to belong to Government.

VII. The revenue assessable under Section VIII. on land exceeding fifty begahs of the measurement that may prevail in the pergunnah wherein it may be situated, and whether lying in one village, or two or more villages, and alienated by any one grant made previous to the Fussily year 1196, and which may be adjudged or become liable to the payment of revenue, is declared to belong to Government, but is to be paid through the proprietor of the estate from which the alienation was originally made, under Clause Third, Section XIV., Regulation II. 1795.

Rules for fixing the assessment on the lands specified in Section VII.

VIII. *First.* The amount of the revenue payable from the lands specified in Section VII. is to be adjusted according to the following rules:

If the grant shall have been made previous to the 31st August 1781.

Second. If the grant shall have been made previous to the 31st August 1781, the revenue to be paid to Government shall be equal to one-half of the annual produce of the land, calculating according to the rates at which other lands in the pergunnah of a similar description may be assessed. If any part of the land shall be uncultivated, the proprietor is to be required to bring it into cultivation, and to pay such russud or progressive increase, to be regulated with a reference to the reduced rate of the assessment on the cultivated land, as the Board of Revenue, with the sanction of the Governor General in Council, may deem reasonable. The produce of the land shall be ascertained by a survey and measurement, one-half of the expense attending which is to be defrayed by the proprietor, in the event of his agreeing to the jumma required of him, and the other moiety by Government; or by such other mode of investigation as the Collector, with the sanction of the Board of Revenue, may judge advisable. If the proprietor shall refuse to agree to the assessment, the lands are to be let in farm or held amauny. If the proprietor shall agree to pay the revenue that may be required of him, the amount shall not be liable to any variation in future, but he and his heirs and successors shall hold the land at such fixed revenue for ever.

If the grant shall have been made subsequent to the 31st August 1781.

Third. If the grant shall have been made subsequent to the 31st August 1781, the revenue or jumma to be paid to Government from the land shall be assessed agreeably to the rules prescribed in Regulation V. 1795, for forming the settlement of estates paying revenue to Government, and the produce shall be ascertained, and the expense of the investigation defrayed, in the manner specified with regard to the lands in the preceding clause. If the proprietor shall refuse to agree to the assessment, the lands are to be let in farm or held amauny or khas, under the rules for the decennial and quartennial settlements. If the proprietor shall agree to pay the revenue that may be required of him, the amount shall not be liable to any variation in future, but he and his heirs and successors shall hold the land at such fixed revenue for ever.

Rule for fixing the amount of the revenue on the lands specified in Section VI.

IX. The rules in the preceding section are to be held applicable to the lands specified in Section VI., with this difference, that the proprietor, farmer, Putteedar, or officer of Government, to whom the revenue may be payable, shall ascertain the produce of the land without subjecting the grantee to any expense, and submit the accounts of it to the Collector, who shall fix the revenue to be paid from the lands in perpetuity, reporting the amount for the confirmation of the Board of Revenue, who are empowered, in cases in which it shall appear to them proper, to increase or reduce the amount. If the proprietor shall agree to pay the revenue required of him, he, and his heirs and successors, shall hold the lands as a dependent puttee, subject to the payment of such fixed revenue for ever.

Grants made since the beginning of the Fussily year 1196, declared null and void.

X. All grants for holding land exempt from the payment of revenue, whether exceeding or under fifty begahs, that have been made since the beginning of the Fussily year 1196, or that may be hereafter made, by any other authority than that of the Governor General in Council, are declared null and void, and no length of possession shall be hereafter considered to give validity to any such grant, either with regard to the property in the soil or the rents of it. And every person who now possesses or may succeed to the proprietary right in any estate, or who now holds, or may hereafter hold any estate in farm of Government, or of the proprietor or any other person, and every officer of Government appointed to make the collections from any estate or talook held khas, is authorized and required to collect the rents from such lands at the rates of the pergunnah, and to dispossess the grantee of the proprietary right in the land, and to re-annex it to the estate or talook in which it may be situated, without making previous application to a court of judicature, or sending previous or subsequent notice of the dispossession or annexation to any office of Government; nor shall any such proprietor, farmer, or Putteedar, be liable to an increase of assessment on account of such grants which he may resume and annul, during the term of the engagements that he may be under for the payment of the revenue of such estate or talook, when the grant may be so resumed and annulled. The managers of joint undivided estates are authorized and required to exercise, on behalf of the proprietors, the powers vested in proprietors by this section.

Managers of estates to exercise on behalf of the proprietors the powers vested in proprietors by this section.

How proprietors and farmers of land, &c. are to recover the revenue payable to them from the lands specified in Section VI.

XI. Proprietors or farmers of land, or Putteedars, who may deem themselves entitled to the revenue of any land of the description of that specified in Section VI., situated in their respective estates, farms, or talooks, are to institute a suit for the recovery of it in the court of Dewanny Adawlut. Any proprietor or farmer of land, or Putteedar, or other person, subjecting such lands to the payment of revenue without having previously obtained a judicial decree for that purpose, shall be liable to be sued for damages by the parties injured. Where estates or dependent talooks may be held aumauny (khas), the right of suing for the recovery of the revenue from the lands specified in Section VI. is to be considered as vested in the party to whom the collections from the estate or talook may be payable. If the estate or talook be held khas by Government, the Tehseeldar, or other officer, is to sue for the revenue chargeable on such lands in the room of the proprietor, but under the directions of the Collector.

To whom the right of suing for the revenue of the lands specified in Section VI. is to belong, if the estate or talook be held khas.

Collectors to prosecute for the recovery of the dues from lands specified in Section VII.

XII. It is to be the duty of the Collector, after receiving the sanction of the Board of Revenue for that purpose, as directed in Section XIV., to prosecute on behalf of Government, in the court of Dewanny Adawlut in the jurisdiction of which such lands shall be situated, for the recovery of the public dues from the lands specified in Section VII., that are declared by this Regulation subject to the payment of revenue, and no lapse of time shall be considered as a bar to the recovery of the public dues from such lands.

No lapse of time to be a bar to the recovery of the public dues.

Commission of twenty-five per cent. to be received by Collectors on the permanent jumma of lands adjudged liable to the payment of revenue in consequence of suits prosecuted by them to a final decision.

XIII. The Collector shall receive a commission of twenty-five per cent. on the amount of the jumma which may be assessed in perpetuity on land adjudged liable to the payment of revenue to Government, in consequence of suits which may be prosecuted by him to a final judgment. Collectors who may institute suits for the recovery of the public dues from lands, but who shall not prosecute them to a final decision whilst they hold the office, shall not be entitled to any commission in the event of the lands being adjudged liable to the payment of revenue, but the commission shall be paid to the Collector who may prosecute them to a final judgment as above prescribed; unless the Governor General in Council shall deem it equitable, upon a consideration of the circumstances of the case, to give the whole or any part of the commision to the Collector by whom the suits may have been instituted, or to the Collector who may have succeeded the Collector who instituted the suits, and preceded the Collector by whom they may have been prosecuted to a final decision.

Collectors instituting suits, but not prosecuting them to a final judgment, not to receive commission, excepting in the cases herein specified.

Collector to report to the Board of Revenue whenever he may receive information of land held under an invalid tenure.

Board, if they see grounds, empowered to order the Collector to sue for the recovery of the public dues,

and may require the proprietor to deliver up his title deeds,

and may fine him on his refusing to deliver up the writings upon the first requisition,

and levy the amount in the same manner as arrears of revenue,

and attach the lands upon his not complying with the second requisition.

Proprietors denying that they have any writings not to be allowed to avail themselves of any writings they may afterwards produce.

Qualification of the rule.

Collectors prohibited requiring from the proprietor of a grant his title deeds, or instituting a suit against him, without the previous sanction of the Board of Revenue.

Board of Revenue may order suits to be instituted without any previous report from the Collectors.

XIV. When a Collector shall have ground to believe that any land exceeding fifty begahs, and alienated by any one grant previous to the beginning of the Fussily year 1196, is held exempt from the payment of revenue under an invalid title, he is to state such information as he may possess, or be able to procure, respecting it, to the Board of Revenue, who, if there shall appear to them ground to believe that the land is liable to the payment of revenue, are empowered to order the Collector to institute a suit for the recovery of the public dues. The Board of Revenue are likewise empowered, previous to ordering the institution of the suit, to authorize the Collector to demand from the proprietor, by a written requisition under his official seal and signature, and expressly specifying it to be made pursuant to the orders of the Board, to deliver into his custody, by a time to be limited in the requisition, all the writings in virtue of which he may possess such lands, or under which they may have been held exempt from the payment of revenue. The Collector is to give a receipt for the writings. If the proprietor shall omit or refuse to deliver the writings within the limited time, the Board of Revenue are empowered to order the Collector to issue a second and similar requisition to him to deliver the writings by a specific day, and shall at the same time impose such daily fine on the proprietor as they may judge proper, upon a consideration of his situation and circumstances in life, and the amount of the fine shall be levied by the process prescribed for the recovery of arrears of revenue; and if the proprietor shall not deliver up the writings by the time prescribed in the second requisition, the Board of Revenue are empowered to attach the lands and collect the rents on account of Government, until the proprietor shall produce the writings or the lands shall be adjudged liable to the payment of revenue. If the proprietor shall deny that he has any writings, or shall not deliver up all the writings, and upon a suit being instituted against him for the recovery of the public dues, he shall, in the first case, produce any writing, or in the second, any writing or writings besides such as he may have delivered to the Collector, the writing or writings so produced shall not be received by the court in evidence, nor shall they have any weight in the decision, any more than if they had never existed; unless, in the second case, he shall show good cause, to the satisfaction of the court, for not having produced the writings, and shall prove that he assigned such cause in answer to the Collector's requisition. But no Collector is to require any person holding land exempt from the payment of revenue to produce his title deeds or writings (excepting for the registry of them by the publication specified in Section XXV.), or to institute a suit for the recovery of the dues of Government from such exempted lands, without obtaining the previous orders of the Board of Revenue for that purpose. The Board of Revenue are empowered, without receiving any previous report from the Collector, to order suits to be instituted for the recovery of the public dues from lands which they may have ground to believe are held under invalid titles.

Collector to defend suits instituted by individuals to hold malguzary land exempt from the payment of revenue.

Vakeel of Government to defend or pro-

XV. The Collectors of the revenue are to defend all suits that may be instituted against Government (who alone, agreeably to the principles prescribed in this Regulation, can be the defendant,) by any individual claiming a right to hold exempt from the payment of public revenue lands paying revenue; and such suits, and the suits which the Board of Revenue may direct the secute suits instituted against or by Government.

Rules to be observed by the Collector, in the event of Government being cast wholly or in part.

Collector to institute, are to be defended and prosecuted by the Vakeel of Government under the instructions of the Collector; and in the event of Government being cast, either wholly or in part, or if the Collector shall be dissatisfied with the decree in any respect, all the rules contained in Section XXXVI., Regulation VI. 1795, and the other sections in that Regulation, respecting decisions given against a Collector, in the city or any zillah court, in suits instituted against him by any proprietor or farmer of land, for sums of money demanded or actually received by him as arrears of revenue, are to be held applicable to such decree, with this difference, that the suit, from the commencement of it, is to be defended or carried on at the expense of Government; and in the event of the Board of Revenue not deeming it proper to order an appeal against the decision of the city or zillah court to be preferred to the provincial court of appeal, or against the decision of the provincial court to the Sudder Dewanny Adawlut, in the event of their ordering the cause to be appealed to the provincial court and of its being given against them therein, they are to report their reasons, in both cases, for not preferring the appeal, to the Governor General in Council, who will direct the cause to be appealed or not, in either case, as may appear to him proper.

Courts to award adequate costs and damages in cases of litigious, vexatious, or groundless prosecutions being instituted under this Regulation.

XVI. If a suit shall be brought before a court of judicature by the Collector or any officer of Government, or by a proprietor or a farmer of land, or a Putteedar, for the recovery of the revenue of lands now held exempt from the payment of revenue, or by any individual to hold exempt from the payment of revenue lands which are now subject to the payment of revenue, and it shall appear to the court that the suit was instituted upon insufficient grounds, or from vexatious or other unjustifiable motives, it shall award against the prosecutor, in favour of the party sued, such costs and damages as may appear to it equitable upon a consideration of the circumstances of the case.

Grants forged or altered in any respect, or antedated, declared void.

XVII. If it shall appear to any court of judicature during the course of a trial, that a grant for land to be held exempt from the payment of revenue, dated prior to the beginning of 1196 Fussily, has been forged, or that the name of the original grantee has been erased and any other name substituted, or that any name not in the original grant has been inserted, or that the denomination of the tenure in the original grant has been erased or altered, or that the date of the grant has been changed, or that the grant has been antedated, the grant shall be adjudged null and void, as far as regards the exemption of the land from the payment of revenue, and the land shall be subjected to the payment of revenue accordingly.

Persons concerned in the fraud liable to a criminal prosecution.

XVIII. Any person by whom any of the frauds specified in the preceding section may appear to have been committed, or who may have been concerned therein, shall, provided the court is of opinion that there are sufficient grounds for a criminal prosecution, be committed or held to bail (according to the circumstances of the case) to take his trial before the court of circuit.

Proprietors of land adjudged subject to the payment of revenue, to pay the jumma from the date of the first decision adjudging the land not exempted.

XIX. The proprietor of a grant of exempted land which may be adjudged liable to the payment of revenue, shall not be required to refund any part of the collections which he may have made from the land previous to the date of the first decree adjudging the land subject to the payment of revenue, whether it be given in the city or a zillah court, the provincial court of appeal, or the Sudder Dewanny Adawlut; but he shall pay the jumma which may be assessed upon the land from the date of such first decree adjudging the land subject to the payment of revenue.

Cases in, and rules under which certain grants are to be transferrible.

XX. Grants of land, which from the terms of the grant or the nature of the tenure are hereditary, and are declared valid by this Regulation, or which have been or may be confirmed by the British Government or any of its officers possessing competent authority to confirm them, are declared transferrible by gift, sale, or otherwise, and all persons succeeding to such grants, by whatever mode, are required to register their names in the office of the Collector within six months after they may succeed to the grant. But all such purchases are to be considered as made at the risk of the purchaser; and in the event of the grant not proving to be hereditary, or not to have been made or confirmed by the British Government, or its officers possessing competent authority, the transfer is not to preclude the land from being subjected to the payment of revenue under this Regulation.

Record of lands specified in Section VII., adjudged liable to the payment of revenue, where to be made.

XXI. *First.* When land of the description specified in Section VII. shall be finally adjudged liable to the payment of revenue, the name or names of the village or villages, or land included in the grant and the measurement thereof, the pergunnah in which the land granted may be situated, the amount of the public revenue payable therefrom, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions directed to be kept by Section XXXIII.; and opposite to such entry the Collector is to insert, in red ink, the number of the page in the periodical register directed to be kept by Section XXII., in which the lands may stand recorded; and in the periodical register he is to specify, in red ink, the number of the page in the register of intermediate resumptions in which the decree adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. These entries in the register of intermediate resumptions are likewise to be inserted in the register of intermediate mutations in landed property paying revenue to Government, directed to be kept by Section XVI., Regulation XIX. 1795, in order that the land may be recorded, in its proper place, as an estate paying revenue to Government, in the next quinquennial register which may be formed agreeably to the above-mentioned regulation. The Collector is to insert, in red ink, opposite to the entries relating to such land, in the periodical register and the register of intermediate resumptions, the number of the page in the register of intermediate mutations in which the above required entries may be made; and he is also to specify, in red ink, opposite to such entries in the register of intermediate mutations, the number of the page in the periodical register and the register of intermediate resumptions, in which the entries respecting the lands may be inserted.

Record of lands specified in Section VI., adjudged liable to the payment of revenue, where to be made.

Second. When land of the description specified in Section VI. shall be finally adjudged liable to the payment of revenue, the measurement of the land, the name of the pergunnah in which it may be situated, the jumma payable therefrom, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions; and opposite to such entry the Collector is to insert, in red ink, the number of the page in the periodical register in which the lands may stand recorded; and in the periodical register he is to insert, in red ink, the number of the page in the register of intermediate resumptions in which the decree adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. The lands mentioned in this section not being liable to the payment of revenue to Government, no entry respecting them is to be made in the register of intermediate mutations, or the quinquennial register directed to be kept by Regulation XIX. 1795.

Record of land now subject to the payment of revenue, but which may be hereafter adjudged exempt from the payment of revenue, where to be made.

Third. When land now subject to the payment of revenue shall be finally adjudged to be exempted from the payment of revenue, the name or names of the village or villages, or land, which may be so exempted, the measurement thereof, the pergunnah in which it may be situated, the name or names of the proprietor or proprietors, the amount of the jumma, and a copy of the decree, are to be entered in the register of intermediate mutations: and the Collector is to insert, in red ink, opposite to such entry, the number of the page in the last-formed quinquennial register in which such village or villages, or the village or villages in which the lands may be situated, may be recorded, that the lands included in the grant may be omitted in the quinquennial register which may be next formed, and also the number of the page in the register of intermediate resumptions in which such entries are also to be recorded, that they may be inserted in their proper place in the periodical register of land held exempt from the payment of revenue; and the Collector shall insert, in red ink, opposite to such entries, the number of the page in the register of intermediate mutations from which they may have been taken. The rules in this clause are to be observed, likewise, in case the Governor General in Council should deem it proper, from particular circumstances, to renew any former grant, the lands included in which may be now subject to the payment of revenue.

Rule to apply to old grants renewed by Government.

Register of lands held exempt from the payment of revenue prior to the Fussily year 1196, to be formed every five years.

XXII. That Government and its officers may, at all future periods, have in their possession a complete register of the lands throughout the province of Benares held exempt from the payment of revenue under grants of the nature of those described in this Regulation; and with a view to prevent any such grants being made in future, a register of all lands, whether exceeding or under fifty begahs, held exempt from the payment of revenue under grants made previous to the Fussily year 1196, shall be formed every five years. The register is to specify the denomination of each grant, whether maafy mujray, kishnarpun, baughaut, or other tenure; the names of the grantor, the original grantee, and the person in possession, and if the person in possession be not the original grantee, his relationship to him, if any relationship exists, and in virtue of what right he succeeded to the grant, and the date of the grant; the names of the village or villages comprised in the grant, or in which the land granted may be situated; the measurement, in begahs, of the village or villages, or the land included in the grant; and the name of the pergunnah in which the land granted may be situated. The register shall be denominated the "Periodical register of lands held exempt from the payment of revenue under "grants made previous to the beginning of the Fussily year 1196, not being "badshahee or royal grants."

Contents of the register.

Denomination of the register.

Board of Revenue to prepare a form for the periodical register.

XXIII. Upon the receipt of this Regulation the Board of Revenue are to prepare a form for the periodical register, and transmit a copy of it for the guidance of the Collector, who is strictly enjoined to adhere to it.

Collector to adhere to the form.

Holders of land exempt from the payment of revenue allowed one year to register their grants from the time specified in Section XXV.

XXIV. All persons actually holding lands exempt from the payment of public revenue, whether exceeding or under fifty begahs, in virtue of grants, made previous to the Fussily year 1196, and whether made or confirmed by the Government of the country for the time being or any other authority, shall be allowed one year from the date of the publication prescribed in the following section, to register the required particulars respecting their grants in the office of the Collector of the revenue.

Publication to be made requiring all persons to register their grants.

XXV. To prevent any pleas being hereafter urged of ignorance of the rule contained in the preceding section, the Collector, upon the receipt of this Regulation, is to cause the following publication, which shall be written in the Persian language, and the Hindostanee language and Nageree character, and attested with his official seal and signature, to be fixed up in the principal cutcherry of every proprietor and farmer of land paying revenue immediately to Government, and of every native Collector in lands held amauny or khas by Government, and take a receipt, specifying the date on which the publication may be fixed up, from such proprietor, farmer, or native officer, who shall respectively be held responsible for the paper remaining so affixed for one year from the date of it.

Publication.

" In conformity to Regulation XLI. 1795, every person being actually in " possession of maafy mujray, or kishnarpun, baghaut, or other land now " exempt from the payment of revenue, in the estate of............ or the farm of " ...., or the amauny or khas lands, under the charge of ...., " whether exceeding or under fifty begahs of the measurement of the pergunnah " in which the land may be situated, and whether comprising or lying in one " village or two or more villages, and which may be held in virtue of any grant " made previous to the Fussily year 1196, and whether made or confirmed by " the Government of the country for the time being or its officers, or any " other authority, are required to register the following particulars respecting " such lands in the office of the Collector, before the expiration of one year " from the date of this publication. If any holders of such grants shall not so " register their grants, either in person or by a Vakeel with a vakalutnamah " attested by two credible witnesses, and given for the express purpose of " registering the grant, the lands will be considered liable to the payment of " revenue, in the same manner as if they had been adjudged to be so by a " final decree of a court of judicature. Persons having claims only to hold " land exempt from the payment of revenue, but who do not now hold the " lands exempt from the payment of revenue, are not to register the land so " claimed by them.

" Denomination of the grant, whether maafy mujray, kishnarpun, baughaut, " or other tenure.

" Name of the grantor.

" Name of the original grantee.

" Name of the present possessor, and if he be not the original grantee, his " relationship to him, and whether he succeeded to the land hereditarily " or by purchase, or what other mode.

"Date of the deed, if the grant be in writing, and if not the date on "which the grant was made.

"The name or names of the village or villages comprised in the grant, or "in which the land may be situated.

"The measurement of each village, or the villages, or the land included in "the grant.

"The pergunnah or pergunnahs in which the land may be situated.

"A copy of the original grant, and other writings, under which the land "may be held."

Lands not registered within the prescribed time declared subjected to the payment of revenue, unless the Governor General in Council shall admit them upon the register.

XXVI. If any person in possession of any such grant of land now held exempt from the payment of revenue shall omit to register it by the time prescribed in the publication, together with as accurate a detail of the particulars thereby required as he may be able to furnish, the land included in the grant shall, by such omission, become subject to the payment of revenue, in the same manner as if it had been adjudged liable to the payment of revenue by a final decree of a court of judicature, and the Collector, if the land shall exceed fifty begahs, shall proceed to assess the land accordingly, and if it shall be under fifty begahs, the party to whom the revenue of the land may be payable under Section VI. is empowered to assess the land as therein directed. The Governor General in Council, however, reserves to himself the power of admitting any grant upon the register after the expiration of the prescribed time, in the event of the possessor of the land showing good and sufficient cause, to his satisfaction, for not having registered it within the limited period, and the Board of Revenue are to report to the Governor General in Council every case in which persons who may have omitted to register their grants as required may appear to them entitled to have their grants admitted upon the register.

Grants not registered within the prescribed period, or admitted by the Governor General in Council, to be considered invalid.

XXVII. After the expiration of the period limited for registering grants, all grants not registered within the prescribed time, and which may not be subsequently admitted on the register by the Governor General in Council, are declared invalid, as far as regards the exemption from the payment of revenue, and the land shall be assessed with revenue as directed in Section XXVI.

Registry of lands not to be considered as an admission of the possessor's proprietary rights in the soil, nor of title to hold the land exempt from the payment of revenue.

XXVIII. It is expressly declared, however, that the registry of grants under this Regulation is not to be considered as an admission of the right of the person in whose name they may be registered, to the property in the soil, or of his title to hold the lands exempt from the payment of revenue. Any person will be at liberty to sue him in the Dewanny Adawluts for the former, and he will be liable to be sued for the recovery of the latter by the Collector, with the sanction of the Board of Revenue, in the event of it appearing to that Board that the lands are liable to the payment of revenue.

Collectors to prepare the register upon the expiration of the period limited for the registry of grants.

Inscription on the back of the register.

XXIX. Upon the expiration of the period for registering the grants, the Collector is to prepare a draft of the register in the form which may be prescribed by the Board of Revenue, and to cause it to be transcribed into a book of such dimensions as they may direct. The book shall have the following inscription on the back of it: "Periodical register formed under Regulation "XLI. 1795, of lands held exempt from the payment of revenue, under "grants not badshahee or royal made previous to the Fussily year 1196, in the "province of Benares, at the commencement of the year ......, Fussily era, "corresponding

Book to be paged, and each page to be attested by the Judge of the city court of Benares.

Judge to specify the number of pages in the book on the last leaf.

" corresponding with the year of our Lord ......, number ......" Each leaf of the book shall be paged, and be signed by the Judge of the Dewanny Adawlut of the city of Benares; and on the last leaf of the book he is to note, in his own hand-writing, the number of pages in the book, and subscribe the note with his signature, and no register is to be deemed authentic but such as may be entered in a book so paged and attested. The first periodical register is to be numbered One.

Second periodical register to commence with the year 1207, to be numbered Two, and the subsequent registers in their order.

XXX. The second periodical register is to commence with the year 1207 of the era current in the province of Benares. This register is to be numbered Two; and the periodical registers to be prepared at the commencement of every subsequent five years, in the order in which they may be formed.

Counterpart register in the native languages to be kept by the keepers of the native records.

XXXI. The keepers of the native records are to keep an exact counterpart of the English periodical register in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the Judge of the Dewanny Adawlut of the city of Benares, in the same manner as the books containing the English registers; and no other counterparts of the registers of estates shall be considered as authentic, but such as may be entered in a book so paged and attested.

In what language the counterpart registers are to be kept.

XXXII. The counterpart registers are to be kept in the Persian language, and the Hindostanee language and Nageree character.

Manner in which resumptions, and other occurrences regarding exempted lands, in the intervals between the forming of the periodical registers, are to be recorded.

XXXIII. For the purpose of recording all resumptions or other occurrences respecting the lands which form the subject of this Regulation, that may take place during the interval of the five years between the forming of each periodical register, and the particulars of which will be necessary for forming the second and all future periodical registers, the Collector is to prepare a book, of such dimensions as the Board of Revenue may prescribe, and which shall be denominated " The register of intermediate resumptions, or other occurrences " respecting grants of exempted land not badshahee;" and shall have the following inscription on the back, " Register formed under Regulation XLI. " 1795, of intermediate resumptions, or other occurrences respecting lands " held exempt from the payment of revenue under grants not badshahee or " royal, made previous to the Fussily year 1196, in the province of Benares, " between the commencement of the year ...... and the expiration of the year " ......, Fussily era." Previous to any entries being made in this register it is to be paged; and the Judge of the Dewanny Adawlut of the city of Benares is to sign each leaf of it, and on the last leaf note, in his own hand-writing, the number of pages contained in the book, and attest the note with his signature. The Collector is to cause to be entered in this register all grants not registered within the time prescribed in the publication in Section XXV., which the Governor General in Council may order to be admitted upon the register under Section XXVI.; all grants of exempted land that may be adjudged or become liable to the payment of revenue; all lands now paying revenue which may be adjudged not subject to the payment of revenue; all old grants of land now subject to the payment of revenue, which the Governor General in Council may judge it proper from particular circumstances to renew; and all exempted lands which may be separated from, or annexed to the province of Benares, with the authority for the several occurrences, and also the particulars for completing the requisite entries in the register of intermediate mutations in landed property paying revenue to Government, in the cases specified in Section XXI., in which entries are directed to be made in that register.

Documents respecting exempted lands to be furnished by the Collectors of districts from which separations may be made, in the event of the province of Benares being hereafter divided into two or more collectorships.

XXXIV. In the event of the province of Benares being hereafter divided into two or more collectorships, and of mohauls being ordered to be separated from one collectorship and annexed to another, the Collector from whose district the separation is to take place is to transmit to the Collector to whose district the annexation is to be made a copy of the entries in the preceding periodical register, as far as they may regard the lands held exempt from the payment of revenue in such mohauls, and also of any entries respecting them in the register of intermediate resumptions, which may have taken place subsequent to the forming of the last periodical register.

How such separations of exempted lands are to be notified to the courts of judicature.

XXXV. Upon the arrival of the period when the separation is to be carried into effect, the Collector of the district from which the separation may be directed to be made is to transmit to the Judge of the Dewanny Adawlut from the jurisdiction of which the lands may be ordered to be separated, and also to the provincial court of appeal of the division, copies of the entries in the last periodical register and register of intermediate resumptions, which may relate to the grants to be separated from his district; and the Collector to whose district the annexation may be made is to transmit copies of the abovementioned entries (with which he is directed to be furnished in the preceding section) to the Judge of the jurisdiction to which the lands may be annexed. Immediately upon the receipt of these papers, the court from the jurisdiction of which the separation may be made is to transmit the papers in any causes depending before it, which, in consequence of the separation, may become cognizable in any other court, to such court, and to cause notification thereof to be communicated to the parties in writing.

Collector enjoined never to allow the register of intermediate resumptions to fall in arrear.

XXXVI. The Collector is to attest all entries in the register of intermediate resumptions with his official signature, and he is strictly enjoined never to allow the register of intermediate resumptions to fall in arrear, but to make the necessary entries immediately upon any resumptions, or other occurrences, taking place.

Counterparts of the English register of intermediate resumptions to be kept by the keepers of the native records.

XXXVII. A counterpart of the register of intermediate resumptions is to be kept by the keepers of the native records, in the same form as the English register, and in a book the leaves of which are, in like manner, to be paged and attested by the Judge of the Dewanny Adawlut of the city of Benares.

How errors in the fair copy of the periodical register, and in the register of intermediate resumptions, are to be corrected.

XXXVIII. When a periodical register shall have been transcribed fair into the book attested by the Judge of the city, as directed in Section XXIX., if it shall be discovered that the entries respecting any land are erroneous or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand, and the Collector is to cause the errors or omissions to be noted in the register of intermediate resumptions, and to attest the entry with his signature, and insert, in red ink, opposite to the erroneous or incomplete entry in theperiodical register, the number of the page in the register of intermediate resumptions in which the errors or omissions may be noted, and at the end of the note specifying the number of the page of the periodical register in which the property may be registered. Errors or omissions in the register of intermediate resumptions are to be noted in a similar manner.

Similar rule with regard to errors in the counterpart of the quinquennial register and register of intermediate resumptions, in the native languages.

XXXIX. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records are to be noted by them, in the same manner as the Collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate resumptions in the country languages, in addition to the attestation of the keepers of the native records, shall be signed by the Collector.

Persons in possession of disputed grants to be registered as the proprietors.

XL. If the proprietary right in any grant of exempted land shall be under litigation in a court of justice at the time of forming the first or any subsequent periodical register, the party in possession is to be registered as the proprietor.

Holders of grants liable to be fined for omitting to furnish any information that may be required by the Collectors for preparing the registers.

XLI. If the Collector shall have occasion to require from the holder of a grant any information that may be necessary to enable him to form a periodical register, or to make the requisite entries in the register of intermediate resumptions, and such person shall omit to furnish it by the time required, after having been served by the Collector with a written requisition for that purpose under his official seal and signature, the Collector is to report the circumstances to the Board of Revenue, who are empowered to impose on such person whatever daily fine may appear to them proper on a consideration of his situation and circumstances in life, and of the case, until he shall furnish the information required, unless he shall prove, to the satisfaction of the Board, that it was not in his power to furnish it. The Collector is to levy the amount of such fines by the process to which he is authorized to have recourse for the recovery of arrears of revenue. The Board of Revenue are to furnish the Collector with such records or information as they may possess regarding the exempted lands, as well to assist him in preparing the first periodical register and in detecting frauds that may be attempted to be practised upon him in registering the grants, or to aid him in ascertaining what lands, now held exempt from the payment of revenue, are liable to the payment of revenue under this Regulation.

Board of Revenue to furnish the Collectors with all papers and informations they may possess regarding the exempted lands.

To whom the Collectors are to send copies of each periodical register, and the quarterly entries in the register of intermediate occurrences.

XLII. The Collector is to transmit as early as may be practicable, to the Board of Revenue, an attested copy of the periodical registers, both in the English and native languages, each in a book of the prescribed size, paged and attested by the Judge of the Dewanny Adawlut of the city of Benares, in the same manner as the original register, as directed in Section XXIX., and within one month after the expiration of the third, sixth, ninth, and twelfth months of the Fussily year, an attested copy of the entries in the register of intermediate resumptions that may have taken place during the three preceding months. The Collector is to transmit a similar copy of the periodical register, and of the quarterly entries in the register of intermediate resumptions, to the Judges of the Dewanny Adawluts of the city and zillahs in the province, and to the provincial court of appeal. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the periodical registers, and of the quarterly entries in the registers of intermediate resumptions, as soon as they may receive them from the Collector.

Courts, the Board of Revenue, and the Collector, to be careful to preserve the old periodical registers and registers of intermediate resumptions.

XLIII. The courts of Judicature, the Board of Revenue, and the Collector are enjoined to be particularly attentive to the preservation of the periodical registers and registers of intermediate resumptions, both in the English and native languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects or otherwise.

From what materials the periodical register commencing with 1207, and subsequent registers, are to be formed.

XLIV. The periodical register which is to be formed at the commencement of the Fussily year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding periodical register, and the entries in the subsequent register of intermediate resumptions, with the omission of any grants of land that may have been subjected to the payment of revenue during the preceding five years, or that may have been transferred to the jurisdiction of another zillah, and with the addition of any such grants of land that may have been annexed to the zillah (in the event of the province being hereafter divided into two or more zillahs or collectorships), or that may have been adjudged not subject to the payment of revenue, or that may have been admitted upon the register by the Governor General in Council under Section XXVI. The materials for each periodical register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book, arranged according to the prescribed form.

Penalty for native officers receiving money or property on account of the registry of grants.

XLV. If it shall be proved, to the satisfaction of the Judge of the Dewanny Adawlut of the city or any zillah, that a native officer of the Collector, or of an Assistant to the Collector, shall have received, directly or indirectly, any sum of money or effects, or other property, from any person, for registering a grant under this Regulation, or on account of any matter relating to the registry thereof, the court shall adjudge him dismissed from his office, and compel him to repay the money proved to have been taken, with a fine of three times the amount to Government and costs to the party suing him, and commit him to prison until he shall have discharged the amount of the decree, or it shall have been made good by the sale of his property.

Penalty for private servants or dependants of the Collector, or of an Assistant to a Collector, convicted of the offence specified in the preceding section.

XLVI. If any native servant or dependent of a Collector, or of an Assistant to a Collector, not being a public officer, shall be convicted before the court of Dewanny Adawlut of the offences specified in the preceding section, he shall be compelled to restore the money to the person from whom it may have been taken, and to pay a fine of three times the amount to Government, with costs to the party suing, and be confined for six months; and if he shall not discharge the amount of the decree by the expiration of the sixth month, he shall be confined until he makes good the amount, or it shall be realized from the sale of his property, and the Collector or Assistant is to discharge such servant, and never to employ him in his public or private capacity.

Rules respecting life-grants applicable to grants for a term.

XLVII. All the rules in this Regulation respecting lands now held, or that may be claimed to be held exempt from the payment of revenue, under life-grants made previous to the date of the Company's accession to the sovereignty of Benares, are to be considered equally applicable to grants made previous to that date for a term only.

This Regulation not to be considered to extend to badshahee grants.

XLVIII. No part of this Regulation is to be construed to extend to jaghire, altumgah, muddud maash, ayma, or other grants of land termed badshahee or royal, and held, or stated to be held under a royal firmaun. The rules applicable to such grants are contained in Regulation XLII. 1795.

A.D. 1795. REGULATION XLII.

A.C.

A REGULATION *for enacting, with Modifications, the Rules for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, altumgah, jaghire, and other Lands, in the Province of Benares, exempt from the Payment of public Revenue, under Grants termed badshahee or royal, or made by the Supreme Power for the time being; and for determining when certain Grants of that Description shall be considered to have expired; and for fixing the Amount of the public Revenue to be assessed upon the Lands, the Grants for which may expire or be adjudged invalid:* PASSED *by the Governor General in Council on the 31st July 1795 (corresponding with the 18th Sawun 1202 Bengal era; the 29th Sawun, 1202 Fussily; the 18th Sawun, 1202 Willaity; the 29th Sawun, 1852 Sumbut; and the 13th Mohurrum, 1210 Higeree).*

I. BY the ancient law of the country, the ruling power is entitled to a certain proportion of the produce of every begah of land, unless it transfers its right thereto for a term or in perpetuity. As a necessary consequence of this law, every grant or alienation of Government's proportion of the produce of land, without its sanction, was considered null and void. Had the validity of such grants or alienations been admitted, it is obvious that the public revenue would have been liable to gradual diminution. Under the native Government, grants, under the denomination of jaghire, altumgah, and other appellations, were occasionally made of the Government's share of the produce of lands, for the support of the families of persons who had performed public services, for religious or charitable purposes, for maintaining troops, and for other services. The British Government have continued in possession the grantees and their heirs, as far as respects such of these grants as were hereditary, and were made before the 1st July 1775, the date of the cession of the province of Benares to the Company, provided the grantees or their heirs obtained possession previous to that date; but those grants which were for life only have been invariably considered as resumable from the death of the grantees. No complete register of these grants having been formed on the cession of the province to the Company, nor subsequent to that period, many persons may have retained possession of lands under fabricated or antedated grants, or succeeded to life grants on the demise of the original grantee or former possessor, without the sanction of Government. The Governor General in Council deems it incumbent on him to resume the public dues from lands held under invalid tenures, as well as the revenue of all lands the grants for which may expire; but at the same time that he is desirous of recovering the public dues from lands held under invalid tenures, he is equally solicitous that persons holding lands under grants that are declared valid should be secured in the quiet possession and enjoyment of them. With this view, and to obviate all injustice or extortion in the inquiry into the titles of persons possessing lands under such grants, he has resolved that all claims of the public for the resumption of such grants (provided the grantees, or persons in possession, register their grants as required in this Regulation) shall be tried in the courts of judicature, that no such grants may be resumed until the title of the grantee or present possessor shall have been adjudged invalid by a final judicial decree. Upon the above grounds, and with a view to facilitate the resumption of invalid grants, as well as to prevent any grants being hereafter made without the authority of Government; and further, that Government and its officers may at all times have in their possession a correct register of the lands held exempt from the payment of revenue under badshahee grants, the following rules have been enacted.

Definition of the term badshahee grant.

II. *First.* The term badshahee grant is to be construed to extend to all grants made by the supreme power for the time being, and consequently to include grants of the following descriptions: 1st, royal grants, properly so called; 2dly, grants made by the Soubahdars of Owde; and 3dly, grants made by the authority of the British Government.

Badshahee grants made previous to the 1st July 1775 declared valid, provided the grantee obtained possession before that date and has since held possession.

Second. Altumgab, jaghire, ayma, muddud maash, or other badshahee grants, for holding land exempt from the payment of revenue, made previous to the 1st of July 1775, the date of the cession of the province of Benares to the Company, shall be deemed valid, provided the grantee actually and *bonâ fide* obtained possession of the land so granted previous to that date, and the grant shall not have been subsequently resumed by the officers or the orders of Government. If it shall be proved to the satisfaction of the court, that the grantee did not obtain possession of the land so granted previous to the 1st July 1775, and that it has not been since confirmed to him by the authority of the Governor General in Council, or that he did obtain possession of it prior to that date, but that it has been since resumed by the officers or the orders of Government, the grant shall not be deemed valid.

Grants made before the 1st of July 1775 of no validity, if possession was not obtained prior thereto, or has not been since confirmed, or if they shall have since been resumed by authority.

Courts to refer to the Governor General in Council, in the event of their entertaining doubts as to the authority of any officer of Government who may have resumed badshahee grants of land made before the cession.

Third. In the event, however, of a claim being preferred by any person to hold land exempt from the payment of revenue under a badshahee grant made previous to the 1st July 1775, and on it being proved, to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed, that the grantee held the land exempt from the payment of revenue previous to that date, but that it was subjected to the payment of revenue posterior thereto by an officer of Government, and the court shall entertain doubts as to the competency of such officer, under the powers vested in him, to resume the grant, and subject the lands to the payment of revenue, the court shall suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining whether such officer was or was not competent to resume the grant, and upon receiving the determination of the Governor General in Council the court is to decide accordingly. No such claim, however, to hold exempt from the payment of revenue land that may have been subjected to the payment of revenue for the twelve years preceding the date on which the claim may be instituted, shall

Claim to hold exempt from revenue under badshahee grants, lands that have paid revenue for twelve years, not to be heard.

Exception.

shall be heard by any court of Dewanny Adawlut, unless the claimant can show good and sufficient cause for not having preferred the claim to a competent authority within the twelve years, and proceeded in it, as required by Section VIII., Regulation VII. 1795.

Persons not being the original grantees, not to be entitled to hold exempt from the payment of revenue land paying revenue under a life grant made before the cession.

Fourth. But no part of the two preceding clauses is to be construed to empower the courts to adjudge any person, not being the original grantee, entitled to hold land paying revenue to Government exempt from the payment of revenue, under a jaghire or other grant made previous to the 1st July 1775, where the grant may expressly specify it to have been given for the life of the grantee only, or supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where the grant, from the nature and denomination of it, shall be proved to be a life tenure only, according to the ancient usages of the country.

Nor to entitle the heirs of persons now possessing exempted lands under life grants made previous to the 1st July 1775, to hold such lands exempt from the payment of revenue upon the death of the present possessor.

Fifth. Nor to entitle the heirs of any person now holding lands exempt from the payment of public revenue under a jaghire, or other badshahee life grant, made previous to the 1st of July 1775, to succeed to and hold such land exempt from the payment of revenue upon the demise of the present possessor, where the grant may expressly specify it to have been given for the life of the grantee only, or supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where from the nature and denomination of the grant it shall be proved to be a life tenure only, according to the ancient usages of the country.

The present possessors of such life grants prohibited from transferring them, or mortgaging the revenue of them, beyond their own lives.

Sixth. The present possessors of lands now exempt from the payment of revenue under such jaghire, or other life grants, made previous to the 1st of July 1775, and declared by the preceding clause not to be hereditary, are prohibited from selling, or otherwise transferring them, or mortgaging the revenue of the lands for a longer period than their own lives, and all such transfers and mortgages which have been or may be made are declared illegal and void.

All grants made or confirmed since the 1st July 1775, excepting by the authority of Government, or its officers duly empowered, declared invalid.

Exception.

III. *First.* All badshahee grants for holding land exempt from the payment of revenue, which may have been made since the 1st of July 1775 by any other authority than that of Government, and which may not have been confirmed by Government, or by any officer empowered to confirm them, are declared invalid. But grants of land held exempt from the payment of revenue under grants made by the Residents at Benares since the 1st of July 1775, are not to be annulled by the decree of the city or any zillah court, but the Judge is to proceed with them as directed with regard to the grants mentioned in Clause Third of this section.

Case of lands granted in 1781 to certain dispossessed Zemindars in lieu of malikanah.

Second. The Governor General in Council having determined, on the 11th April 1788, that the lands assigned in the year 1781, in lieu of malikanah, to certain dispossessed Zemindars, should not descend to the heirs of the present incumbents without his express orders for that purpose, the Judges and the Collector are to attend to this rule; and the latter is, accordingly, to attach such lands on the demise of the present holders, until the determination of Government respecting them be received.

Courts how to proceed in the event of their entertaining doubts of the authority of the officer to confirm the grants.

Third. If doubts shall be entertained by any court, as to the competency of the authority of any officer to confirm any grant, the court is to suspend its judgment, and report the circumstances of the case to the Governor General in

Council, to whom a power is reserved of determining finally, whether the officer possessed competent authority to confirm the grant, or otherwise, and the court, upon receiving the determination of the Governor General in Council, shall decide accordingly.

Questions regarding the proprietary right in lands included in grants to be determined in the Dewanny Adawlut.

IV. It is to be understood, that this Regulation respects only the Government proportion of the revenue arising from lands held, or claimed to be held, under badshahee grants, and whether Government is entitled to resume or retain such revenue or otherwise. Every dispute or claim regarding the zemindarry or proprietary right in lands included in any grant, is to be considered as a matter of a private nature between the contending parties, and is to be determined in the Dewanny Adawlut.

Collectors to attach the revenue of lands included in escheated grants.

V. When a jaghire, or other life grant, shall escheat to Government, the Collector is immediately to attach the revenue of the lands, and report the circumstances to the Board of Revenue, who are to obtain the orders of the Governor General in Council regarding the resumption of the grant.

Lands included in resumed grants to be assessed, and the revenue to be paid by the proprietor, according to the regulations for the decennial and quartennial settlements.

VI. When any badshahee grant shall be resumed or expire, or escheat to Government, the revenue to be paid to Government from the lands included in it shall be assessed, and the settlement made in perpetuity, agreeably to the rules contained in Regulation V. 1795, with the person possessing the zemindarry or proprietary right in the lands, whoever he may be. If the proprietor shall refuse to pay the jumma demanded of him, the land shall be held khas or let in farm.

Collectors to prosecute for the resumption of grants which are declared invalid.

No lapse of time to be a bar to the resumption of grants.

VII. It is to be the duty of the Collector, after receiving the sanction of the Board of Revenue for that purpose, as directed in Section IX., to prosecute in the courts of Dewanny Adawlut, on behalf of Government, for the resumption of grants that are declared invalid by this Regulation, and no lapse of time shall be considered as a bar to the resumption of such grants.

Commission of twenty-five per cent. to be received by Collectors on the permanent jumma of lands included in grants resumed in consequence of suits prosecuted by them to a final decision.

VIII. The Collector shall receive a commission of twenty-five per cent. on the amount of the jumma which may be assessed in perpetuity on the lands contained in grants that may be resumed, in consequence of suits which may be prosecuted by him to a final judgment. A Collector who may institute suits for the recovery of the public dues from lands, but who shall not prosecute them to a final decision whilst he may hold the office, shall not to entitled to any commission in the event of the lands being adjudged liable to the payment of revenue, but the commission shall be paid to the Collector who may prosecute the suit to a final judgment, as above prescribed; unless the Governor General in Council shall deem it equitable, upon a consideration of the circumstances of the case, to give the whole or any part of the commission to the Collector by whom the suits may have been instituted, or to the Collector who may have succeeded the Collector who instituted the suits, and preceded the Collector by whom they may have been prosecuted to a final decision.

Collector to report to the Board of Revenue, whenever he may receive information of land held under an invalid grant.

IX. When a Collector shall have reason to believe that land is held by any person exempt from the payment of revenue under a grant that is declared invalid by this Regulation, he is to state such information as he may possess, or be able to procure respecting it, to the Board of Revenue, who, if there shall appear to them ground to believe that the grant is invalid, are empowered to order the Collector to institute a suit for the resumption of it. The

Board, if they see grounds empowered to order the Collector to sue for the resumption of the grants, may require the person in possession to deliver up his title deeds;

and may fine him on his refusing to deliver up the writings upon the first requisition;

and levy the amount in the same manner as arrears of revenue;

and attach the lands upon his not complying with the second requisition.

Grantees denying that they have any writings, not to be allowed to avail themselves of any writings they may afterwards produce.

Qualification of the rule.

Collectors prohibited requiring from the grantees their title deeds, or instituting a suit against them without the previous sanction of the Board of Revenue.

Board of Revenue may order suits to be instituted without any previous report from the Collector.

of Revenue are likewise empowered, previous to ordering the institution of the suit, to authorize the Collector to demand from the grantee or person in possession, by a written requisition under his official seal and signature, and expressly specifying it to be made pursuant to the orders of the Board, to deliver into his custody, by a time to be limited in the requisition, all the writings in virtue of which he may possess the lands, or under which they may have been held exempt from the payment of revenue. The Collector is to give a receipt for the writings. If the grantee or possessor shall omit or refuse to deliver the writings within the limited time, the Board of Revenue are empowered to order the Collector to issue a second and similar requisition to him to deliver the writings by a specific day, and shall at the same time impose such daily fine on the grantee or possessor as they may judge proper, upon a consideration of his situation and circumstances in life, and the amount of the fine shall be levied by the process prescribed for the recovery of arrears of revenue: and if the grantee or person in possession shall not deliver up the writings by the time prescribed in the second requisition, the Board of Revenue are empowered to attach the lands and collect the rents on account of Government, until the grantee or person in possession shall produce the writings, or the grant shall be adjudged invalid. If the grantee, or person in possession, shall deny that he has any writings, or shall not deliver up all the writings, and upon a suit being instituted against him for the recovery of the public dues he shall in the first case produce any writing, and in the second, any writing or writings besides such as he may have delivered to the Collector, the writing or writings so produced shall not be received by the court in evidence, nor shall they be allowed to have any weight in the decision, any more than if they had never existed; unless, in the second case, he shall show good cause, to the satisfaction of the court, for not having produced the writings, and shall prove that he assigned such cause in answer to the Collector's requisition. But no Collector is to require any person holding lands under any grant to produce his title-deeds or writings (excepting for the registry of them by the publication specified in Section XX.), or to institute a suit for the resumption of the grant, without obtaining the previous orders of the Board of Revenue for that purpose. The Board of Revenue are empowered, without receiving any previous report from the Collector, to order suits to be instituted for the resumption of grants which they may have ground to believe are invalid.

Persons claiming to hold lands paying revenue, exempt from revenue under badshahee grants, to sue Government.

Collector to defend the suit.

Vakeel of Government to defend or prosecute suits instituted against or by Government.

Rules to be observed by the Collector in the event of Government

X. Any person having a claim to hold lands paying revenue, exempt from the payment of revenue under a badshahee grant, must institute his claim against Government, who alone can be the defendant in such suits, in the Dewanny Adawlut in the jurisdiction of which such lands are situated, in the same manner as in cases where individuals may claim a right to hold lands paying revenue, exempt from the payment of revenue under grants not of the description of those termed badshahee, in virtue of Regulation XLI. 1795. The Collector of the revenue is to defend all such suits as may be instituted against Government, and such suits, and the suits which the Board of Revenue may direct the Collector to institute, are to be defended or prosecuted by the Vakeel of Government, under the instructions of the Collector; and in the event of Government being cast, either wholly or in part, or if the Collector shall be dissatisfied with the decree in any respect, all the rules contained in Section XXXVI., Regulation VI. 1795, and the other sections

in

being cast wholly or in part.

in that Regulation respecting decisions given against a Collector in the city or any zillah court, in suits instituted against him by any proprietor or farmer of land, for sums of money demanded or actually received by him as arrears of revenue, are to be held applicable to such decree, with this difference, that the suit, from the commencement of it, is to be defended or carried on at the expense of Government; and in the event of the Board of Revenue not deeming it proper to order an appeal from the decision of the city or zillah court to be preferred to the provincial court of appeal, or from the decision of the provincial court to the Sudder Dewanny Adawlut, in the event of their ordering the cause to be appealed to the provincial court, and of its being given against them therein, they are to report their reasons in both cases for not preferring the appeal, to the Governor General in Council, who will direct the cause to be appealed or not in either case, as may appear to him proper.

Courts to award adequate costs and damages, in cases of prosecutions being instituted on insufficient grounds under this Regulation.

XI. If a suit shall be brought before a court of judicature by a Collector on the part of Government for the resumption of a grant, or by any individual against Government, to hold exempt from the payment of revenue, under a grant, lands paying revenue to Government, and it shall appear to the court that the suit was instituted upon insufficient grounds, it shall award against the prosecutor, in favour of the party sued, such costs and damages as may appear to it equitable, upon a consideration of the circumstances of the case.

Grants forged or altered in any respect, or antedated, declared void.

XII. If it shall appear to any court of judicature during the course of a trial, that a grant has been forged, or that the name of the original grantee has been erased and any other name substituted, or that any name not in the original grant has been inserted, or that the denomination, or the terms of the tenure in the original grant, have been erased or altered, or that the date of the grant has been changed, or that the grant has been antedated, the grant shall be adjudged null and void.

Persons concerned in these frauds liable to a criminal prosecution.

XIII. Any person by whom any of the frauds specified in the preceding section may appear to have been committed, or who may have been concerned therein, shall, provided the court is of opinion that there are sufficient grounds for a criminal prosecution, be committed or held to bail (according to the circumstances of the case) to take his trial before the court of circuit.

Proprietors of land included in resumed grants to pay the jumma from the date of the first decision, adjudging the land not exempted.

XIV. Where a grant may be adjudged invalid, and the lands shall be subjected to the payment of revenue, the former holder of the grant shall not be required to refund any part of the collections which he may have made from the lands previous to the date of the first decree adjudging the land subject to the payment of revenue, whether it be given in the city or a zillah court, the provincial court of appeal, or the Sudder Dewanny Adawlut. But he shall be responsible for the collections from the lands from the date of such first decree, adjudging the land subject to the payment of revenue.

Cases in and rules under which certain grants are to be transferrible.

XV. Altumgah, ayma, and muddud maash grants, are to be considered as hereditary tenures. These and other grants, which from the terms or nature of them may be hereditary, and are declared valid by this Regulation, or which have been or may be confirmed by the British Government, or any of its officers possessing competent authority to confirm them, are declared transferrible by gift, sale, or otherwise, and all persons succeeding to such grants, by whatever mode, are required to register their names in the office of the Collector, within six months after they may succeed to the grant. But all such purchases are to be considered as made at the risk of the purchaser, and in the event of the grant not proving to be hereditary, or not to have been made or confirmed, by the British Government, or its officers possessing competent authority, the transfer is not to preclude the land from being subjected to the payment of revenue under this Regulation. Jaghires are to be considered as life tenures only, and with all other life tenures are to expire with the life of the grantee, unless otherwise expressed in the grant.

Jaghires to be considered as life tenures, unless the grant shall express otherwise.

Record of lands included in grants that may become liable to the payment of revenue.

XVI. *First.* When any grant shall be adjudged invalid, or shall expire or escheat to Government, the name or names of the mohauls and villages, or lands included in the grant, and the measurement thereof, the pergunnah in which the lands may be situated, the amount of the public revenue assessed thereon, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions and occurrences, directed to be kept by Section XXVIII.; and opposite to such entry the Collector is to insert, in red ink, the number of the page in the periodical register directed to be kept by Section XVII., in which the lands may stand recorded; and in the periodical register he is to specify, in red ink, the number of the page in the register of intermediate resumptions and occurrences, in which the decree adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. These entries in the register of intermediate resumptions and occurrences are likewise to be inserted in the register of intermediate mutations in landed property paying revenue to Government, directed to be kept by Section XVI., Regulation XIX. 1795, in order that the land may be recorded in its proper place as an estate paying revenue to Government, in the next quinquennial register which may be formed agreeably to the above-mentioned Regulation. The Collector is to insert, in red ink, opposite to the entries relating to such lands in the periodical register and the register of intermediate resumptions and occurrences, the number of the page in the register of intermediate mutations in which the above-required entries may be made; and he is also to specify, in red ink, opposite to such entries in the register of intermediate mutations, the number of the page in the periodical register and the register of intermediate resumptions and occurrences, in which such entries respecting the land may be inserted.

Record of land now subject to the payment of revenue, but which may be hereafter adjudged or become exempt from the payment of revenue, where to be made.

Second. When land now subject to the payment of revenue shall be finally adjudged, on the claim of any individual, to be exempted from the payment of revenue under any grant, or when the Governor General in Council shall make any new grant, the name or names of the mohauls, villages, or lands, which may be so adjudged, exempted, or granted, the measurement thereof, the pergunnah in which they may be situated, the name or names of the grantee, the amount of the revenue before assessed thereon, and a copy of the decree or grant, are to be entered in the register of intermediate mutations, directed to be kept by Regulation XIX. 1795; and the Collector is to insert, in red ink, opposite to such entry, the number of the page in the last-formed quinquennial register in which such mohauls, villages, or lands may be recorded, that the lands included in the grant may be omitted in the quinquennial register which may be next formed, and also the number of the page in the register of intermediate resumptions and occurrences, directed to be kept by this Regulation, in which such entries are also to be recorded, that they may be inserted in their proper place, in the periodical register of grants that may be next formed, and the Collector shall insert, in red ink, opposite to such entries, the number of the page in the register of intermediate mutations from which they may have been taken.

Register of badshahee grants to be prepared every five years.

Contents of the register.

XVII. That Government and its officers may have in their possession, at all future periods, a complete register of all the lands in the province held exempt from the payment of revenue under badshahee grants, a register of all such grants shall be formed every five years. The register is to specify the denomination of each grant, whether altumgah, jaghire, or other tenure; the name of the original grantee, and the person in possession, and if the person in possession be not the original grantee, his relationship to him, if any relationship should exist, and in virtue of what right he succeeded to the grant; the date of the grant; the names of the mohauls and villages or lands comprised in the grant, or in which the grant may be situated; the person or persons possessing the zemindarry or proprietary right in the lands; the measurement, in begahs, of the mohauls and villages or lands included in the grant; and the name of the pergunnah and circar in which the land granted may be situated. The register shall be denominated, the "Periodical register of lands held exempt "from the payment of revenue under badshahee grants."

Denomination of the register.

Board of Revenue to prepare a form for the periodical register.

Collectors to adhere to this form.

XVIII. Upon the receipt of this Regulation, the Board of Revenue are to prepare a form for the periodical register, and transmit a copy of it for the guidance of the Collector, who is strictly enjoined to adhere to it.

Holders of grants allowed one year to register them, from the time specified in the following section.

XIX. All persons actually holding lands exempt from the payment of the public revenue under badshahee grants, and whether made or confirmed by the Government of the country for the time being, or by whatever authority, shall be allowed one year from the date of the publication prescribed in the following section, to register the required particulars respecting their grants in the office of the Collector of the revenue.

Publication to be made requiring all persons to register their grants.

XX. To prevent any pleas being hereafter urged of ignorance of the rule contained in the preceding section, the Collector, upon the receipt of this Regulation, is to cause the following publication, which shall be written in the Persian language, and the Hindostanee language and Nageree character, and attested with his official seal and signature, to be fixed up in the principal cutcherry of the holders of grants of the description of those specified in this Regulation, and take a receipt from the holder of such grant, or the person intrusted with the management of it, specifying the date on which the publication may be fixed up, and that he will be responsible for the paper remaining so affixed for one year from the date of it.

Publication

"In conformity to Regulation XLII. 1795, every person being actually in "possession of altumgah, jaghire, ayma, muddud maash, or other land in the "province of Benares, now exempt from the payment of revenue and held "under badshahee grants, whether made or confirmed by the Government of "the country for the time being or by whatever authority, are required to "register the following particulars respecting such grants in the office of the "Collector, before the expiration of one year from the date of this publication.

" If any holders of such grants shall not register their grants, either in person " or by a Vakeel with a vakaulutnamah attested by two credible witnesses, and " given for the express purpose of registering the grants, the grants will be " considered liable to resumption, and the lands chargeable with revenue, in " the same manner as other lands subject to the payment of revenue. Persons " having claims only to hold land exempt from the payment of revenue under " such grants, but who do not now hold the lands exempted, are not to register the lands so claimed by them.

" Denomination of the grant, whether altumgah, jaghire, or other tenure.

" By whom granted.

" Name of the original grantee.

" Name of the present possessor, and if he be not the original grantee, his " relationship to him, and whether he succeeded to the land hereditarily " or by purchase, or what other mode.

" Date of the grant.

" The name or names of the mohauls or villages or lands comprised in the " grant, or in which the land may be situated.

" The names of the Zemindar or other proprietor of the mohauls or villages, " or lands included in the grant, whether such zemindarry or proprietary " right shall be vested in the grantee or any other person.

" The measurement of each mohaul or village, or the land included in the " grant.

" The pergunnah or pergunnahs in which the lands may be situated.

" A copy of the original grant and other writings, under which the land " may be held."

Grants not registered within the prescribed time declared liable to resumption, unless the Governor General in Council shall admit them upon the register.

XXI. If any person in possession of any such grant that may be now in force shall omit to register it by the time prescribed in the publication, together with as accurate a detail of the particulars thereby required as he may be able to furnish, the grant, by such omission, shall become subject to resumption, and the lands shall become liable to the payment of revenue to Government. The Governor General in Council, however, reserves to himself the power of admitting any grant upon the register after the expiration of the prescribed time, in the event of the possessor showing good and sufficient cause, to his satisfaction, for not having registered it within the limited period, and the Board of Revenue are to report to the Governor General in Council every case in which persons who may have omitted to register their grants, as required, may appear to them entitled to have their grants admitted upon the register.

Grants not registered within the prescribed period, or admitted by the Governor General in Council, to be considered *forfeited*.

XXII. After the expiration of the period limited for registering grants, all grants not registered within the prescribed time, and which may not be subsequently admitted on the register by the Governor General in Council, are declared forfeited, and the lands shall be assessed with revenue agreeably to the rules prescribed for the permanent settlement.

Registry of grants not to be considered as an admission of the possessor's proprietary rights in the soil, nor of the validity of the grants.

XXIII. It is expressly declared, however, that the registry of a grant under this Regulation is not to be considered as an admission of the right of the person in whose name it may be registered to the property in the soil, nor of the validity of his grant. Any person will be at liberty to sue in the Dewanny Adawlut for the former; and he will be liable to be sued for the resumption of the

the grant by the Collector, with the sanction of the Board of Revenue, in the event of it appearing to that Board that the grant is invalid.

Collector to prepare the register upon the expiration of the period limited for the registry of the grants.

Inscription on the back of the register.

Book to be paged, and each page to be attested by the Judge of the city of Benares.

Judge to specify the number of pages in the book on the last leaf.

XXIV. Upon the expiration of the period for registering the grants, the Collector is to prepare a draft of the register, in the form which may be prescribed by the Board of Revenue, and to cause it to be transcribed into a book of such dimensions as they may direct. The book shall have the following inscription on the back of it: "Periodical register, formed under Regulation "XLII. 1795, of altumgah, jaghire, and other lands, held exempt from the "payment of revenue under badshahee grants, in the province of Benares, at "the commencement of the year ...... Fussily era, corresponding with the "year of the Christian era ......, number ......" Each leaf of the book shall be paged, and be signed by the Judge of the Dewanny Adawlut of the city of Benares; and on the last leaf of the book he is to note, in his own handwriting, the number of pages in the book, and subscribe the note with his signature, and no register is to be deemed authentic, but such as may be entered in a book so paged and attested. The first periodical register is to be numbered One.

Second periodical register to commence with the year 1207, and to be numbered Two, and the subsequent registers in their order.

XXV. The second periodical register is to commence with the year 1207 of the Fussily era. This register is to be numbered Two; and the periodical register to be prepared at the commencement of every subsequent five years, in the order in which it may be formed.

Counterpart register in the native languages to be kept by the keepers of the native records.

XXVI. The keepers of the native records are to keep an exact counterpart of the English periodical register in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the Judge of the Dewanny Adawlut of the city of Benares, in the same manner as the books containing the English register; and no other counterparts of the registers of grants shall be considered as authentic, but such as may be entered in a book so paged and attested.

In what language the counterpart registers are to be kept.

XXVII. The counterpart registers are to be kept in the Persian language, and the Hindostanee language and Nageree character.

Manner in which resumptions and other occurrences regarding grants, in the intervals between the forming of the periodical registers, are to be recorded.

XXVIII. For the purpose of recording all resumptions or new grants, or other occurrences respecting the grants which form the subject of this Regulation, that may take place during the interval of the five years between the forming of each periodical register, and the particulars of which will be necessary for forming the second and all future periodical registers, the Collectors are to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated "the register of intermediate resump- "tions or other occurrences, respecting altumgah, jaghire, or other badshahee "grants;" and shall have the following inscription on the back, "Register "formed under Regulation XLII. 1795, of intermediate resumptions, or other "occurrences respecting altumgah, jaghire, or other lands, held exempt from "the payment of revenue under badshahee grants, in the province of Benares, "between the commencement of the year ...... and the end of the year ......, "Fussily era." Previous to any entries being made in this register it is to be paged, and the Judge of the Dewanny Adawlut of the city of Benares is to sign each leaf of it, and on the last leaf note, in his own hand-writing, the number of pages contained in the book, and attest the note with his signature. The

Collector is to cause to be entered in this register all grants not registered within the time prescribed in the publication in Section XX., which the Governor General in Council may order to be admitted upon the register under Section XXI., all grants of land that may be adjudged or become liable to the payment of revenue, all lands now paying revenue which may be adjudged to be held exempt from the payment of revenue by any individuals under any grant, all new grants that may be made by the Governor General in Council, and all exempted lands held under such grants, which may be separated from, or annexed to the province of Benares, with the authority for these several occurrences, and also the particulars for completing the requisite entries in the register of intermediate occurrences, in the cases specified in Section XVI., in which entries are directed to be made in that register.

Documents respecting grants to be furnished by Collectors of districts from which separations may be made, in the event of the province of Benares being hereafter divided into two or more collectorships.

XXIX. In the event of the province of Benares being divided into two or more collectorships, and of mohauls being ordered to be separated from one collectorship and annexed to another, the Collector from whose district the separation is to take place, is to transmit to the Collector to whose district the annexation is to be made, a copy of the entries in the preceding periodical register, as far as they may regard the badshahee grants in such mohauls, and also of any entries respecting them in the register of intermediate occurrences, which may have taken place subsequent to the forming of the last periodical register.

How such separations and annexations of exempted lands are to be notified to the courts of judicature.

XXX. Upon the arrival of the period when the separation is to be carried into effect, the Collector of the district from which the separation may be directed to be made is to transmit to the Judge of the Dewanny Adawlut from the jurisdiction of which the lands may be ordered to be separated, and also to the provincial court of appeal of the division, copies of the entries in the last periodical register and register of intermediate occurrences which may relate to the grants to be separated from his district; and the Collector to whose district the annexation may be made is to transmit copies of the above-mentioned entries (with which he is directed to be furnished in the preceding section), to the Judge of the jurisdiction to which the lands may be annexed. Immediately on the receipt of these papers, the court of Dewanny Adawlut, from the jurisdiction of which the separation may be made, is to transmit the papers in any causes depending before it, which in consequence of the separation may become cognizable in any other court, to such court, and to cause notification thereof to be communicated to the parties in writing.

Collector enjoined never to allow the register of intermediate occurrences to fall in arrear.

XXXI. The Collector is to attest all entries in the register of intermediate resumptions and occurrences with his official signature; and he is strictly enjoined never to allow that register to fall in arrear, but to make the necessary entries immediately upon any resumptions or other occurrences taking place.

Counterpart of the English register of intermediate occurrences to be kept by the keepers of the native records.

XXXII. A counterpart of the register of intermediate resumptions and occurrences is to be kept by the keepers of the native records, in the same form as the English register, and in a book the leaves of which are in like manner to be paged, and attested by the Judge of the Dewanny Adawlut of the city of Benares.

How errors in the fair copy of the periodi-

XXXIII. When a periodical register shall have been transcribed fair into the book attested by the Judge of the city of Benares, as directed in Section XXIV., if it shall be discovered that the entries respecting any grant are erroneous or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand; and the Collector is to cause the errors or omissions to be noted in the register of intermediate resumptions and occurrences, and to attest the entry with his signature, and insert, in red ink, opposite to the erroneous or incomplete entries in the periodical register, the number of the page in the register of intermediate resumptions and occurrences in which the errors or omissions may be noted, and at the end of the note specify the number of the page of the periodical register in which the property may be registered. Errors or omissions in the register of intermediate resumptions and occurrences are to be noted in a similar manner.

tal register, and in the register of intermediate occurrences, are to be corrected.

XXXIV. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the Collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate resumptions and occurrences in the country languages, in addition to the attestation of the keepers of the native records, shall be signed by the Collector.

Similar rule with regard to errors in counterparts of the periodical register and register of intermediate occurrences, in the native languages.

XXXV. If the proprietary right in any land included in a badshahee grant shall be under litigation in a court of justice at the time of forming the first or any subsequent periodical register, the party in possession is to be registered as the proprietor.

Persons in possession of the proprietary right in the lands to be registered as the proprietors.

XXXVI. If a Collector shall have occasion to require from the holder of a grant any information that may be necessary to enable him to form a periodical register, or to make the requisite entries in the register of intermediate resumptions and occurrences, and such persons shall omit to furnish it by the time required, after having been served by the Collector with a written requisition for that purpose under his official seal and signature, the Collector is to report the circumstances to the Board of Revenue, who are empowered to impose on such person whatever daily fine may appear to them proper, on a consideration of his situation and circumstances in life, and of the case, until he shall furnish the information required, unless he shall prove to the satisfaction of the Board that it was not in his power to furnish it. The Collector is to levy the amount of such fines by the process to which he is authorized to have recourse for the recovery of arrears of revenue. The Board of Revenue are to furnish the Collector with such records or information as they may possess regarding the exempted lands in the province, as well to assist him in preparing the first periodical register, and in detecting frauds that may be attempted to be practised upon him in registering the grants, as to aid him in ascertaining what lands are now held exempt from the payment of revenue, under grants that are liable to the payment of revenue according to this Regulation.

Holders of grants liable to be fined for omitting to furnish any information that may be required by the Collector for preparing the registers.

Board of Rever to furnish the Collectors with all papers and information they may possess regarding the exempted lands in their respective zillahs.

XXXVII. The Collector is to transmit to the Board of Revenue, as early as may be practicable, an attested copy of the periodical registers, both in the English and the native languages, each in a book of the prescribed size, paged and attested by the Judge of the Dewanny Adawlut of the city, in the same manner

To whom the Collectors are to send copies of each periodical register, and the quarterly entries in the register of intermediate occurrences.

manner as the original register, as directed in Section XXIV., and within one month after the expiration of the third, sixth, ninth, and twelfth month of the Fussily year, an attested copy of the entries in the register of intermediate resumptions and occurrences, that may have taken place during the three preceding months. The Collector is to transmit similar copies of the periodical register, and of the quarterly entries in the register of intermediate resumptions, to the Judges of the several courts of Dewanny Adawlut in the province, and to the provincial court of appeal. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the periodical registers, and of the quarterly entries in the registers of intermediate resumptions and occurrences, as soon as they may receive them from the Collector.

Courts, the Board of Revenue, and the Collector, are to be careful to preserve the periodical registers and registers of intermediate resumptions.

XXXVIII. The courts of judicature, the Board of Revenue, and the Collector, are enjoined to be particularly attentive to the preservation of the periodical registers and registers of intermediate resumptions and occurrences, both in the English and native languages, and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects or otherwise.

From what materials the periodical register commencing with 1207, and subsequent registers, are to be formed.

XXXIX. The periodical register which is to be formed in the province of Benares at the commencement of the Fussily year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding periodical register; and the entries in the subsequent register of intermediate resumptions and occurrences, with the omission of any grants of land that may have been resumed and subjected to the payment of revenue during the preceding five years, or any exempted lands that may have been separated from the province, and with the addition of any such lands that may have been annexed to it, or that may have been admitted upon the register by the Governor General in Council under Section XXI., also new grants made by the Governor General in Council, and lands which any person may be adjudged entitled to hold exempted from the payment of revenue under a badshahee grant, by a final decree of a court of judicature in a suit instituted under this Regulation. The materials for each periodical register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book arranged according to the prescribed form.

Penalty for native officers receiving money or property on account of the registry of grants.

XL. If it shall be proved, to the satisfaction of the Judge of the Dewanny Adawlut of the city or any zillah, that a native officer of a Collector, or of an Assistant to a Collector, shall have received, directly or indirectly, any sum of money or effects, or other property, from any person, for registering a grant under this Regulation, or on account of any matter relating to the registry thereof, the court shall adjudge him dismissed from his office, and compel him to repay the money proved to have been taken, with a fine of three times the amount to Government, and costs to the party suing him, and commit him to prison until he shall have discharged the amount of the decree, or it shall have been made good by the sale of his property.

Penalty for private servants, dependents of a Collector, or of an Assistant to a Collector,

XLI. If any native servant or dependent of a Collector, or of an Assistant to a Collector, not being a public officer, shall be convicted before the court of Dewanny Adawlut of the offence specified in the preceding section, he shall be compelled to restore the money to the person from whom it may have been taken, and to pay a fine of three times the amount to Government, with costs to the party suing, and be confined for six months; and if he shall not disharge the amount of the decree by the expiration of the sixth month, he shall be confined until he makes good the amount, or it shall be realized from the sale of his property, and the Collector or the Assistant is to discharge such servant, and never to employ him in his public or private capacity.

convicted of the offence specified in the preceding section.

XLII. *First.* No part of this Regulation is to be considered to extend to lands held, or stated to be held, exempt from the payment of public revenue, under grants not being of the description of those termed badshahee or royal, under the explanation of this term contained in Clause First, Section II. The rules applicable to such grants are contained in Regulation XLI. 1795.

Regulation not to be considered to extend to grants not badshahee,

Second. Nor to any of the peshkushy mohauls specified in Section XVII., Regulation II, 1795.

Nor to mohauls termed peshkushy.

A. D. 1795. REGULATION XLIII.

A Regulation *for enacting into a Regulation, the Rules passed on the 18th February* 1789, *and 24th December* 1790, *for granting Lands to discharged Native Invalid Officers, and Private Soldiers, in the Province of Benares:* Passed *by the Governor General in Council on the 28th August* 1795 *(corresponding with the 14th Bhadoon,* 1202 *Bengal era; the 28th Bhadoon,* 1202 *Fussily; the 14th Bhadoon,* 1202 *Willaity; the 28th Bhadoon,* 1852 *Sumbut; and the 12th Suffer,* 1210 *Higeree).*

I. On the 18th February 1789, and the 24th December 1790, certain rules were passed for granting lands to discharged native invalid officers and private soldiers, in the province of Benares. The invalids to whom grants of land have been made under these rules are dispersed in different parts of the country, receive no pay, are under no military control, and are entirely unconnected with the service: they are the tenants of the Zemindars of whom they hold the lands, and are subject to the jurisdiction of the civil and criminal courts of judicature, in the same manner as other individuals. To secure to the holders of these grants the rights and privileges which they derive under their tenures, such part of the rules above-mentioned as come within the description of the rules and orders specified in Section II., Regulation XLI. 1793, are hereby enacted into a Regulation.

II. Rules passed on the 18th February 1789. *First.* The invalid native troops now at Monghyr, and those who shall be hereafter invalided, who may be desirous of receiving grants of waste land in lieu of the pay allowed to them by Government on the Boglepore establishment, upon taking a final discharge from the service shall be entitled to the same in the following proportions, according to their ranks.

Invalids allowed the portion of land herein specified, upon taking a discharge from the service.

Commandants

Commandants of infantry and Russaldars of cavalry…	600 begahs.
Subahdars of ditto and 1st Jemadars of ditto ………	400
Jemadars of ditto and 2d Jemadars of ditto …………	200
Havildars of ditto and 1st Duffadars of ditto…………	120
Naiks of ditto and 2d Duffadars of ditto …………….	100
Sepoys and troopers………………………………………	80

Serangs, as Jemadars.
Tindals, as Havildars.
Cossobs, as Naiks.
Lascars, as Sepoys.

Lands may be granted where the invalids may point out.

Second. The lands shall be granted in such villages as each individual may point out.

Exception.

Third. Should any objection occur to the Resident at Benares to granting waste lands to any individual in the village which he may fix upon, he is to allot lands to him in some of the villages most contiguous thereto, and to the granting of which no objection may exist.

Rules to be observed in selecting lands for invalids.

Fourth. The Resident at Benares is directed to make it a rule to select, as far as may be in his power, such tracts of waste land for the invalids as may be brought into cultivation with the least difficulty and at the smallest expense, and the quality of which may be such as to afford a produce adequate to the labour of the tillage; and he is to give a preference to lands contiguous to parts of the country now in a state of cultivation, in order that the invalids may have an opportunity of procuring, with greater facility, such assistance as may be requisite for enabling them to establish themselves upon their lands.

Original grantee to hold the lands rent-free for life.

Fifth. The original grantees shall hold the lands allotted to them rent-free for life, without being subjected to any tax or demand whatever.

Sunnuds for the land by whom to be granted.

Sixth. The sunnuds for the lands so granted in the Zemindarry of Benares are to be made out under the seal of the Rajah, with a perwannah of confirmation under the seal and signature of the Resident, who is required to keep a register of all such grants, and to transmit copies thereof annually to the Governor General in Council.

Upon the death of an invalid his lands to descend to his heirs upon the terms herein specified.

Seventh. Upon the death of the original grantee, his lands are to be continued to his heirs at law at a fixed jumma, to be assessed by the Resident with the consent of the Rajah, upon an estimate of the neat annual produce, after deducting one-tenth therefrom to be annually paid by the mocurrery holder to the Zemindar as malconnah, or to Government, if the estate or talooka be amauny. Such mocurrery holders shall thenceforward be considered upon the same footing as other persons in the province holding lands in a fixed rent.

Heirs of the invalids to receive the prescribed sunnuds, and to hold the lands whilst they discharge the malconnah and rent.

Eighth. The Resident having fixed the rent to be paid to Government, and the amount payable to the Zemindar as malconnah, or the consideration to the same amount to Government, as directed in the preceding article, shall cause mocurrery sunnuds to be drawn out and authenticated in the mode prescribed in Clause Sixth, in the name of the heirs of the deceased, who shall accordingly hold the said lands in perpetuity, as long as they shall continue to discharge the rent and the malconnah, or the consideration to the same amount to Government (according as the lands may be amauny or otherwise) with which they may be so assessed.

Ninth.

Terms on which the heirs of invalids who may die within the first five years are to succeed to the lands of the deceased.

Ninth. If the original grantee shall die within five years from the date of the grant, his heirs shall continue to hold the lands rent-free until the said period of five years from the date of such grant shall have elapsed; at the expiration of which, the lands shall be assessed and held by them as directed in the two preceding clauses.

Consequences ensuing from the non-payment of the rent or malconnah.

Tenth. Should any of the Mocurrerydars aforesaid omit to discharge the amount of the Government's rent and the malconnah payable to the Zemindar, or the consideration to Government (according as the lands may be amauny or otherwise) their mocurrery leases, with the rights and privileges thereto annexed, are to be sold to the best bidder, for the liquidation of the amount of the demands against them.

Gratuity in money to be granted to invalids.

Eleventh. In order that the men who may be placed on this establishment may be the better enabled to provide themselves with the implements of husbandry and the means of cultivating the lands assigned to them, a gratuity in money shall be granted to them in the following proportions:

To each rank entitled to receive	600 begahs	Sa. Rs. 150
Ditto	400 do.	100
Ditto	200 do.	50
Ditto	120 do.	30
Ditto	100 do.	20
Ditto	80 do.	15

Landholders not to be subject to the payment of any increase of revenue to Government for the rent herein specified.

Twelfth. Rule passed on the 24th December, 1790. To obviate any objections which the landholders may entertain to the allotment of waste lands to invalids, the whole amount of the fixed jumma to be assessed upon such lands after the death of the original grantee, shall belong to the proprietor of the village in which such lands may be situated, and he shall not be subject to any, additional demand on the part of Government on account thereof, during the term of the engagements that may exist between him and Government, at the time that the lands so granted may become liable to the payment of such jumma.

Annual register to be forwarded by the Collector.

III. The annual register directed in Clause Sixth to be kept by the Resident and forwarded to the Governor General in Council is, from the date of the abolition of the residency, to be prepared by the Collector and forwarded by him to the Board of Revenue.

No lands to be granted in future under the foregoing articles.

IV. No provision in land shall be granted to invalids in future, under the rules contained in Section II., which are to be considered as applicable to such grants only as have been already made in conformity to them.

A.D. 1795.

A.D. 1795. REGULATION XLIV. D.C.

A REGULATION *for removing certain Restrictions to the Operation of the Hindoo and Mahomedan Laws, with regard to the Inheritance of landed Property subject to the Payment of Revenue to Government, in the Province of Benares:* PASSED *by the Governor General in Council on the 28th August 1795 (corresponding with the 14th Bhadoon, 1202 Bengal era; the 28th Bhadoon 1202 Fussily; the 14th Bhadoon, 1202 Willaity; the 28th Bhadoon, 1852 Sumbut; and the 12th Suffer, 1210 Higeree).*

I. ON grounds similar to those stated in the preamble to Regulation XI. 1793, for removing certain restrictions to the operation of the Hindoo and Mahomedan laws with regard to the inheritance of landed property subject to the payment of revenue to Government, in the provinces of Bengal, Behar, and Orissa, the following rules have been enacted for the province of Benares.

After the beginning of the Fussily year 1204, landed property to descend according to the Mahomedan or Hindoo law, unless the last proprietor shall have otherwise disposed of it in a manner sanctioned by these laws.

II. After the first day of the Fussily year 1204, if any Talookdar, Zemindar, or other actual proprietor of land, shall die without a will, or without having declared by a writing, or verbally, to whom and in what manner his or her landed property is to devolve after his or her demise, and shall leave two or more heirs, who, by the Mahomedan or Hindoo law (according as the parties may be of the former or latter persuasion), may be respectively entitled to succeed to a portion of the landed property of the deceased, such persons shall succeed to the shares to which they may be so entitled.

Two or more persons succeeding to an estate to be at liberty to hold it as a joint undivided estate;

or one or more, or all of the sharers, allowed to have separate possession of their shares;

or two or more of the sharers permitted to hold their shares as a joint undivided estate.

III. If any Talookdar, Zemindar, or other actual proprietor of land, shall die subsequent to the period specified in Section II., without a will, or without having declared by a writing, or verbally, to whom and in what manner his or her landed property is to devolve after his or her demise, and shall leave two or more heirs, who, by the Mahomedan or Hindoo law (according as the parties may be of the former or the latter persuasion) shall be respectively entitled to succeed to a portion of the landed property of the deceased, under the rule contained in that section, such persons shall be at liberty, if they shall prefer so doing, to hold the property as a joint undivided estate. If one or more, or all of the sharers, shall be desirous of having separate possession of their respective shares, a division of the estate shall be made in the manner directed in Regulations XXV. 1793, and XXVI. 1795, and such sharer or sharers shall have the separate possession of such share or shares accordingly. If there shall be three or more sharers, and any two or more of them shall be desirous of holding their shares as a joint undivided estate, they shall be permitted to keep their shares united accordingly.

Shares held separate, how to be assessed.

IV. It is to be understood, that if any one or more of such sharers shall apply to have the separate possession of his or their share or shares, the proportion of the public jumma charged upon the whole estate which is to be assessed upon such share or shares, is to be adjusted according to the rules prescribed in Section VII., Regulation XXVII. 1795.

This Regulation not to be in force until the beginning of the Fussily year 1204, and then not to operate retrospectively.

V. Nothing contained in this Regulation is to be construed to entitle any person to a share of an estate which may be now held entire by any individual, or that may devolve entire to any individual prior to the beginning of the

Fussily year 1204, in exclusion of the other heirs of the last proprietor, under the custom in virtue of which such individual may so hold or succeed to the whole of such estate, and for the future abolition of which this Regulation is enacted; but such person or persons are to be considered bound, in the cases specified in Clause Tenth, Section XXXV., Regulation XXII. 1795, by what they had acquiesced in.

Nor to prevent persons transferring their property in the manner and to whom they may think proper, provided the transfer be not repugnant to the Hindoo or Mahomedan law, or the Regulations of the Governor General in Council.

VI. Nor to prohibit any actual proprietor of land, bequeathing or transferring by will, or by a declaration in writing, or verbally, either prior or subsequent to the Fussily year 1204, his or her landed estate entire to his or her eldest son, or next heir, or other son or heir, in exclusion of all other sons or heirs, or to any person or persons, or to two or more of his or her heirs, in exclusion of all other persons or heirs, in the proportions, and to be held in the manner which such proprietor may think proper; provided that the bequest or transfer be not repugnant to any Regulations that have been or may be passed by the Governor General in Council, nor contrary to the Hindoo or Mahomedan law, and that the bequest or transfer, whether made by a will or other writing, or verbally, be authenticated by, or made before, such witnesses and in such manner, as those laws and regulations respectively do or may require.

A.D. 1795. REGULATION XLV.

A Regulation *for empowering Talookdars, Zemindars, and all other Descriptions of Landholders, and Farmers of Land, in the Province of Benares, to distrain and sell the personal Property of Under-farmers, Ryots, and dependent Zemindars and Putteedars, and (in certain specified Cases) their Sureties, for Arrears of Rent or Revenue; and for preventing Landholders and Farmers of Land in the said Province confining or inflicting corporal Punishment on their Under-farmers, Ryots, and dependent Zemindars and Putteedars, or their Sureties, to enforce Payment of such Arrears:* Passed *by the Governor General in Council on the 28th August 1795 (corresponding with the 14th Bhadoon, 1202 Bengal era; the 28th Bhadoon, 1202 Fussily; the 14th Bhadoon, 1202 Willaity; the 28th Bhadoon, 1852 Sumbut; and the 12th Suffer, 1210 Higeree).*

I. The Regulations not defining the nature and extent of the coercion which landholders and farmers of land might legally exercise over their under-farmers, Ryots, and dependent Zemindars and Putteedars, to enforce payment of arrears of rent or revenue, many landholders and farmers, availing themselves of the sanction of former usage, had recourse to the most oppressive means for realizing arrears, and frequently employed the same severities for the purposes of extortion; whilst others, doubtful what measures they were empowered to adopt to enforce payment from defaulters, and apprehensive of subjecting themselves to prosecution for oppression, refrained from all compulsion, and were often defrauded of arrears to which they were justly entitled. These defects in the Regulations tending to screen oppression and dishonesty on the one hand, and to discourage moderation and good faith on the other, and it being as essential to the prosperity of the country and the punctual collection of the public revenue, that landholders and farmers of land should have the means of compelling payment from defaulters, without being obliged to have recourse to the courts of justice, and incurring the delay and expense necessarily attending a law-process for the recovery of every arrear, as that under-farmers, Ryots, and dependent Zemindars and Putteedars, should be protected from oppression and unjust demands, the Governor General in Council, with a view to the attainment of these important objects, has passed the following rules.

What persons may distrain.

Where and what property is liable to distraint and sale.

II. Talookdars, Zemindars, and other actual proprietors of land, and farmers of land who hold their farms immediately of Government, are empowered to distrain, without sending notice to any court of justice or any public officer, the crops and products of the earth of every description, the grain, cattle, and all other personal property, whether found in the house or on the premises of the defaulter, or in the house or on the premises of any other person, within or without the limits of the estate or farm of the distrainer, belonging to their under-renters and Ryots, and the dependent Zemindars and Putteedars paying revenue through them, for arrears of rent or revenue, and to cause the said property to be sold for the discharge of such arrears. The same powers are likewise vested in dependent Zemindars and Putteedars, distinct or common, for the recovery of arrears of rent from their under-farmers and Ryots, and also in under-farmers who farm lands from Talookdars, Zemindars, Putteedars, or other actual proprietors of land, or farmers of land, who hold their farms immediately of Government, to enable such under-farmers to enforce payment of arrears of rent or revenue from their dependent Zemindars, Putteedars, or under-farmers or Ryots. The several descriptions of landholders and farmers of land above specified are to exercise the powers hereby vested in them under the following rules and restrictions.

What property is not liable to distraint and sale.

III. Persons vested with the power of distraint shall not distrain or sell the lands, houses, or other real property of their under-farmers and Ryots, or of the Zemindars or Putteedars paying revenue through them; nor goods or advances belonging to the Company; nor the loom, thread, unwrought silk, or materials of manufacture, of any weaver or manufacturer; nor the tools of any tradesman or labourer standing towards them in the relation of under-farmer, Ryot, or dependent Zemindar or Putteedar. All such distraints and sales are declared illegal and void. The defaulter shall stand acquitted of the arrear for which the distress may be levied, and the property shall be restored to him; or the distrainer shall be compelled to make good to him the value of it, if it shall be personal property and shall have been destroyed, damaged, or injured, or shall not be forthcoming; and the distrainer shall be further obliged to pay to him damages adequate to the loss which he may prove to have sustained in consequence of such attachment or sale, with all costs of suit.

Distraint and sale of it illegal and void.

Penalty.

What property is not to be distrained, if other sufficient property can be attached.

IV. The ploughs and implements of husbandry, the cattle actually trained to the plough, and the seed-grain of under-farmers, Ryots, and dependent Zemindars or Putteedars, shall not be distrained for arrears, provided the defaulter shall possess, and the distrainer shall have it in his power to attach, other cattle, grain, or property, sufficient for the discharge of the arrear. Distrainers are enjoined to attend strictly to this rule, and every deviation

Penalty.

from it shall be punished by an award to the party aggrieved of damages adequate to the injury he may have sustained, with all costs of suit.

When under-farmers, &c. are to be considered to have defaulted.

Sureties not exonerated by the distraint of the property of defaulters.

V. Under-farmers, Ryots, and dependent Zemindars and Putteedars, shall not be considered to have defaulted until the arrears have been ineffectually demanded from them, and also from their surety, if they shall have given security and the surety shall be forthcoming; and when, as the last resource, an attachment shall be issued against the property of a defaulter, the responsibility of the surety shall not be thereby in any degree diminished.

Penalty for attaching property if no arrear be due.

VI. If any person vested with the power of distraint shall attach, or cause to be sold, the property of any under-farmer, Ryot, or dependent Zemindar or Putteedar, for arrears of rent or revenue, and it shall appear upon trial that no arrear was due, the distrainer shall be compelled to restore the property to the owner, or to make good to him the value of it, if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, and to pay to him, as damages, a sum adequate to the value of such property, and all costs of suit.

Attachment not to take place if the defaulter shall tender the arrears upon demand.

VII. If the defaulter, in the presence of two creditable witnesses, shall tender the arrears demanded of him to the person deputed to attach his property, such person shall receive the arrears, and shall not proceed to the attachment.

Distrainers to furnish the person they may depute to distrain with a writing, specifying the amount of the arrear, and the date on which it became due.

Copy of the writing, with list of the property distrained, name of the place where it is lodged, and notice that it will be sold, endorsed thereon, to be delivered to the defaulter, or left at his place of residence in case of his absence.

VIII. Distrainers shall deliver to the person whom they may depute to attach the property of a defaulter a writing, under their signature, specifying the amount of the arrear for which the attachment may be issued, and the date on which such arrear became due. The person so deputed shall produce this writing as his authority for making the attachment; and on the day on which he may attach the property shall deliver a copy of it to the stated defaulter, endorsing thereon a list or inventory of the property attached, and the name of the place where it may be lodged or kept, with a notice that it will be sold on the fifteenth day commencing from the day following the day on which the attachment took place, or if the property attached shall consist of crops or other ungathered products of the earth, within fifteen days calculating from the day following the day on which such crops or products may be stored, as directed in Section XI., unless the arrear and expenses of the attachment shall be previously discharged. If the defaulter shall be absent, a copy of the above writing, with the prescribed endorsement, shall be fixed up or left at his usual place of residence, before the expiration of the third day, calculated from the day of the attachment. If any person vested with the power of distraint shall cause property to be attached, without furnishing the agent whom he may employ for that purpose with the writing above directed, or if such agent shall be furnished with the writing prescribed and shall omit to deliver a copy of it, with the required endorsement, to the defaulter, or in the event of his absence, to leave such copy at his usual place of residence within the period limited, the distrainer shall not be entitled to recover the arrear for which the distress may have been levied, and he shall be compelled to restore the property to the defaulter, or the value of it if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, and to pay all costs of suit.

Penalty.

Attachment to be withdrawn, if the defaulter shall tender the arrear and expenses of attachment previous to the day of sale.

Penalty.

IX. If the defaulter shall tender payment of the arrear demanded of him in the presence of two creditable witnesses, after his property shall have been attached and prior to the day fixed for its being put up to sale, and also of the necessary expenses attending the attachment, the distrainer shall receive the amount of such arrear and expenses immediately upon the same being tendered, and shall forthwith release the property. In case of any dispute arising respecting the expenses of the attachment, it shall be determined by the Cauzy of the pergunnah in which the distress may have been levied. The courts of Dewanny Adawlut, upon complaint made to them, are to punish any distrainer who may act contrary to this Regulation, by awarding against him, in favour of the party injured, damages according to the circumstances of the case, with all costs of suit.

Property distrained not to be taken out of the pergunnah.

Where to be kept.

X. Distrainers shall not drive or convey distrained cattle or other property out of the limits of the pergunnah in which it may have been attached. The distrainer shall either leave the property upon the premises in the charge of any person he may think proper, or drive or convey it with due care to a proper place, as near as possible to the premises, within the limits of the pergunnah.

Distrained crops and ungathered products of the earth when to be reaped or gathered, and where to be stored.

XI. Distrainers who shall attach the crops or any ungathered products of the earth belonging to their under-farmers, Ryots, or the Zemindars or Putteedars paying revenue through them, shall cause such crops or products to be reaped or gathered in due season, and store the same in proper houses, barns, or granaries, upon the premises, or if there shall be no such places on the premises, in any barn or proper place which can be procured, as near thereto as possible, within the limits of the pergunnah. The expense of reaping or gathering, and storing such crops or products, shall be paid by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

Distrained cattle not to be worked, nor goods or effects used. Distrainers to provide food for cattle or live stock.

Expense how to be defrayed.

XII. Distrainers shall not work the bullocks or cattle, or make use of the goods or effects distrained. They shall provide the necessary food for the cattle or live stock, the expense attending which shall be paid by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

Penalty for distrainers neglecting to take due care of the property distrained.

XIII. If property distrained shall be stolen or lost, or be damaged, injured, or destroyed, by the weather or otherwise, whilst in the possession of the distrainer, owing to his not having taken the necessary precautions for the due keeping and preservation of it, he shall make good the loss or damage to the owner.

Distress to be proportionate to the arrear.

Penalty for excessive distress.

XIV. The distress levied shall not be excessive; or, in other words, the property seized shall be as nearly as possible proportionate to the amount of the arrear. If any person vested with the power of distraint shall attach any property the value of which shall be disproportionate to the arrear, and it shall be proved that he could have seized other property of less value, and which would have been sufficient for the liquidation of such arrear, the court of Dewanny Adawlut shall award to the owner damages according to the circumstances of the case, with all costs of suit.

Attachment to be made between sun-rise and sun-set.

XV. All attachments shall be made after sun-rise and before sun-set. If any person vested with the power of distraint shall seize, or attempt to seize, the property of any defaulter after sun-set and before sun-rise, for the discharge of arrears of rent or revenue, such distrainer shall not be entitled to recover the arrear, and if the property shall have been attached, shall be compelled to restore it to the defaulter, or the value of it if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, with all costs of suit.

Penalty for attaching property after sun-set and before sun-rise.

Transfer of a defaulter's property to prevent distraint, invalid.

Penalty for persons to whom such transfers may be made.

XVI. If any under-farmer, Ryot, or dependent Zemindar or Putteedar, shall make a fraudulent conveyance or transfer of his property to prevent the attachment of it for arrears, the court of Dewanny Adawlut, upon proof thereof being made before it, shall cause the property to be delivered up to the distrainer, and compel the person to whom such transfer or conveyance shall have been made to pay to the distrainer damages adequate to the value of one-half of the property, with costs of suit.

Punishment for under-farmers, &c. resisting an attachment, or forcibly or clandestinely taking away their property after it has been attached.

XVII. If any under-farmer, Ryot, or dependent Zemindar or Putteedar, shall resist the attachment of his property, or shall forcibly or clandestinely take it away after it shall have been attached, the court of Dewanny Adawlut shall cause him, and all persons who may be proved to have been his aiders or abettors, to be imprisoned in the gaol until he shall restore the property to the distrainer, or the arrear shall have been liquidated by the distraint and sale of other property, or otherwise discharged, with the expenses attending the attachment, and costs of suit.

Punishment for persons, not being the owners, forcibly or clandestinely taking away property which has been attached.

XVIII. If any person, not being the owner, shall be convicted of forcibly or clandestinely taking away property that has been distrained, the court of Dewanny Adawlut, upon proof thereof being made before it, shall cause such person or persons to be imprisoned until they restore the property or make good the value of it to the distrainer, and pay to him, as damages, a sum equal to the value of such property, and all costs of suit.

What places distrainers may force open to attach the property of defaulters.

Zenana, or women's apartments, not to be entered, whether the doors be open or shut.

Dwelling-houses not to be forced open.

Punishment for entering women's apartments or forcing open dwelling-houses.

Penalty for entering any dwelling-house, or breaking open any place not occupied by, or in the possession of the defaulter, should no property belonging to him be found therein.

XIX. Distrainers are empowered to force open any stable, cow-house, barn, golah, granary, or other building, and to enter any dwelling-house, the outer-door of which may be open (excepting the apartments in such dwelling-house which may be appropriated for the zenana or residence of women), and to break open the door of any room in such dwelling-house, for the purpose of attaching any property belonging to a defaulter which may be lodged therein. But nothing contained in this Regulation shall be construed to authorize persons vested with the power of distraint, or their servants or agents, to enter the zenana or apartments of women, whether the doors or passages leading thereto be open or not; nor to force open and enter any dwelling-house the outer door of which may be locked or barred. Persons entering the apartments of women, or forcing open the outer door of any dwelling-house, shall be imprisoned for six months, the distrainer shall not recover the arrear for which the attachment may have been issued, and he shall be compelled to restore to the defaulter any property that may have been attached, or the value of it if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, and the court shall further award against such distrainer heavy damages, with all costs of suit. And if any person shall enter a dwelling-house, or break open any stable, cow-house, barn, golah, granary, or other building, not occupied by, or in the possession of the defaulter, to distrain property belonging to him, and no such property shall be found therein, the distrainer shall be liable to prosecution by the occupant or possessor, for entering such house, or breaking open such stable, or other building, and the court shall award to him damages according to the circumstances of the case, with all costs of suit.

Rules regarding the sale of distrained property.

Distrainer to apply to the Cauzy of the pergunnah to sell the property.

Acts to be done by the Cauzy on receipt of the application, viz. to publish at the places herein-specified a list of the property; the place of sale, the day of sale, and the hour of the day when the sale is to be made;

to appoint appraisers to value the property;

to fix up the paper of appraisement at the places herein-specified;

to cause the property or samples of it to be brought and exposed at the place of sale;

to put up the property to sale in one, or two or more lots;

to dispose of the property to the highest bidder;

to return any overplus in the proceeds to the defaulter;

to sell further property for any deficiency;

XX. After the expiration of the fifth day, and before the elapse of the eighth day, calculating from the day following the day on which the attachment of the property of a defaulter shall have taken place, or if the property attached shall consist of crops or other ungathered products of the earth, after the elapse of the fifth day, and before the expiration of the eighth day, commencing from the day following the day on which such crops or products may have been stored, as directed in Section XI., the distrainer shall apply to the Cauzy of the pergunnah to have the same appraised and sold. Upon the receipt of such application the Cauzy shall proceed as follows. He shall fix up on the outer door of his own house, and at the place at which he may determine to dispose of the property, a list of the property attached, with a notice, which shall specify, First, the place at which the property is to be sold, which shall be on the spot where it may be lodged by the distrainer, or at the nearest gunge, bazar, or haut, or any place of public resort, where the Cauzy may be of opinion it is likely to sell to the best advantage; Secondly, the day on which it is to be sold, which shall be the fifteenth day, commencing from the day following the day on which the attachment may take place, unless the property shall consist of crops or other ungathered products of the earth, in which case the sale shall be made on the fifteenth day, calculating from the day following the day on which such crops or products may be stored, as directed in Section XI.; and Thirdly, the time of the day when the sale is to be made, which shall be during the hours of business, when the greatest number of people may be supposed to assemble. The Cauzy shall nominate two creditable persons, competent by their profession, trade, or occupation, to appraise the property. The persons so appointed shall appraise the property according to the current price which the several articles may then bear in the country, and shall deliver the particulars of the appraisement in writing, and attest the same with their signatures, and shall certify in writing, at the foot of the paper, that they have appraised the property according to the best of their knowledge and judgment. The Cauzy shall affix his seal to the paper of appraisement, and cause it to be stuck up on the outer door of his own house, and at the place where the property is to be sold. The property shall be brought to the place of sale on the morning of the day of sale, in order that it may be examined by the persons intending to bid, unless it shall consist of grain or other products of the earth, the removal of which would be attended with considerable expense, in which case samples only, indiscriminately taken from each article, shall be brought to the place of sale and exposed for the purpose above-mentioned. The property shall be put up to sale in one lot, or in two or more lots, as the Cauzy may think advisable. The property shall be disposed of for the highest price that may be offered for it. If the property shall sell for more than the amount of the arrear, the overplus, after deducting the charges attending the attachment and sale of it, shall be returned to the defaulter. If the proceeds of the sale shall be insufficient for the discharge of the arrear and the expenses attending the attachment and sale, the distrainer shall be at liberty to attach other property belonging to the defaulter, and to cause it to be sold to make good the deficiency. The Cauzy is, in every case, to examine the defaulter's statement of the expenses consequent to the attachment and sale of the property, and to reject any part of it that may appear to him unreasonable. If any person vested with the power of distraint shall sell or dispose of property which he may have attached for arrears of rent or revenue, in any other mode than that prescribed in this section, he shall forfeit the arrear for which the distress may be levied to the defaulter, and make good to him the value of the property sold or disposed of, with all costs of suit.

and to examine and check the distrainer's statement of expenses attending the attachment and sale.

Penalty for distrainers disposing of distrained property in any manner excepting that herein directed.

XXI. The Cauzy is to be careful to prevent any unfair practices, either in the appraisement or sale of property. Upon proof being made before the court of Dewanny Adawlut of the city or zillah, of his conniving at any such practices, the court shall cause him to make good any loss or injury that the defaulter may have thereby sustained, with costs of suit, and shall immediately report the circumstances of the case to the Sudder Dewanny Adawlut for the information of the Governor General in Council, who, provided there shall appear to him sufficient reason for so doing, shall dismiss such Cauzy from his office.

Punishment for Cauzies conniving at unfair practices in the appraisement or sale of property.

XXII. The distrainer, the Cauzy, and the appraisers, are prohibited purchasing, directly or indirectly, any part of the property. Any Cauzy or appraiser offending against this prohibition, shall be compelled to restore the property to the defaulter, or the full value of it, in the event of its being injured, damaged, destroyed, or not forthcoming, and shall forfeit the purchase-money, which shall be appropriated to the liquidation of the arrear, and pay all costs of suit; and the court shall report the circumstances to the Sudder Dewanny Adawlut for the information of the Governor General in Council, who, if there shall appear to him sufficient ground for so doing, shall dismiss such Cauzy from his office. Distrainers acting contrary to the prohibition contained in this section, shall be compelled to restore the property to the defaulter, or the full value of it if it shall have been injured, damaged, or destroyed, or shall not be forthcoming; and shall likewise forfeit to him the arrear for which the property may have been attached, and pay all costs of suit.

Distrainer, Cauzy, and appraisers, not to purchase the property.

Penalty.

XXIII. Neither the defaulter, nor any person on his behalf, shall be permitted to bid for or purchase the property.

Defaulters not to bid for or purchase their property.

XXIV. The property shall be paid for in ready-money at the time of the sale, and the purchaser shall not be permitted to carry away any part of the property which shall not have been paid for. Should the purchaser fail in the payment of the whole or part of the purchase-money within five days, calculating from the day following the sale, the whole of the property, or the part of it which may be unpaid for, shall be resold by the Cauzy on such day as he shall fix, for the best price that may be offered for it. The first purchaser shall forfeit to the distrainer ten per cent. on the amount of the price at which he shall have purchased the property so resold, and make good to him any loss that may arise, as well as the expenses that may be incurred on the resale. If any profit shall accrue on the resale, it shall be carried to the credit of the defaulter.

Rule regarding the payment of the purchase-money for distrained property.

Persons who, under the names of sureties, farm or tenant land in the names of others, to be considered the actual Ryots or farmers of such land.

XXV. Persons who tenant or underfarm lands in the name of their children, dependents, or others, or in the names of fictitious persons, and give themselves as the ostensible sureties for the performance of the agreement but retain the actual management of the lands, and in fact are themselves the under-farmers or Ryots of such lands, shall, to all intents and purposes, be considered as the under-farmers or Ryots of such lands, and their property shall be liable to be distrained and sold for arrears under this Regulation, in the same manner as if the engagement for the lands had stood in their own names.

Landholders and farmers prohibited confining or inflicting corporal punishment on defaulters or their sureties.

XXVI. Landholders and farmers of land are prohibited confining or inflicting corporal punishment on any under-farmer, Ryot, or dependent Zemindar or Putteedar, or their sureties, to enforce payment of arrears of rent or revenue. If any landholder or farmer of land shall offend against this prohibition, the person so punished or confined shall be at liberty either to prosecute the offender for assault or imprisonment in the criminal court, or to institute a suit against him in the Dewanny Adawlut of the jurisdiction, which court shall award damages against such offender according to the circumstances of the case, with costs of suit.

What persons are to perform the duties assigned to the Cauzy in the event of his absence, or of there being no such officer stationed in the pergunnah.

XXVII. *First.* In the event of the absence of the Cauzy or of there being no such officer stationed in the pergunnah, the Aumil or Tehseeldar, or in case of his absence or of there being no such officer in the pergunnah, such person as the Judge of the Dewanny Adawlut of the jurisdiction shall think proper to vest with authority for that purpose, may and shall respectively do all such acts as the Cauzy is authorized or directed to perform by this Regulation, and under the like restrictions and penalties, as far as the latter can be inflicted.

Native Commissioners appointed under Regulations XL. 1793 and XXXI. 1795, are empowered to sell distrained property.

Second. To facilitate further the sale of distrained property, every person having a commission from the Judge of the jurisdiction to hear and determine civil suits not exceeding fifty rupees, under Regulations XL. 1793 and XXXI. 1795, is authorized and required to dispose of, under the rules prescribed to Cauzies in this Regulation, any property that may be distrained in the pergunnah in which he may reside, and for the sale of which application may be made to him; and where the number of persons vested with this authority in any pergunnah or district shall be found insufficient, the Judge is empowered to appoint such number as may appear to him requisite. But no person vested with the power of disposing of distrained property under this Regulation shall sell property that may have been distrained for arrears due to himself. Persons of this description having occasion to levy arrears by distress, are to apply to some other person duly empowered for the sale of the property.

Heirs and successors of landholders and farmers to distrain for arrears due to the deceased, if entitled thereto.

XXVIII. Upon the death of any person vested with the power of distraint by this Regulation, his heirs or successors, who may be entitled to the arrears due to him, shall be at liberty to distrain the property of the defaulters and their sureties, in the cases authorized for the recovery of the same agreeably to this Regulation. It is to be understood, likewise, that managers of undivided estates belonging to two or more proprietors are authorized to exercise the same powers for the recovery of arrears of rent or revenue, as the proprietors of the estates committed to their charge would be entitled to exercise under

Managers of undivided estates vested with the power of distraint.

this Regulation, were they entrusted with the management of their own estates, subject, however, to the same rules, restrictions, and penalties.

Principals responsible for the acts of agents.

XXIX. If any Gomastah, agent, servant, or officer, of any person vested with the power of distraint, shall attach or cause to be sold the property of any under-farmer, Ryot, or dependent Zemindar or Putteedar, or their sureties, or do any act in the attachment or sale of it contrary to this Regulation, the party aggrieved shall have his remedy against the principal of the offender for such illegal attachment, sale or act, whether the same took place or was done by the orders or with the knowledge of such principal or not. Nothing, however, contained in this section shall subject a distrainer to imprisonment, in the event of any person deputed by him to attach property entering the zenana or apartments of women, or breaking open a dwelling-house, in opposition to the prohibition contained in Section XIX., unless it shall be proved that such acts were done by the order, or with the consent or knowledge of such distrainer.

Exception.

Rule in respect to the attachment and division of betay crops.

XXX. Nothing contained in this Regulation shall be construed to prohibit persons entitled under this Regulation to distrain, from attaching the standing crops of the under-ryots who cultivate on the betay tenure, and appropriating the moiety in value or kind, or such other proportion thereof as they shall be entitled to, under the rules contained in Regulation II. 1795, leaving to such Ryots who shall deem themselves aggrieved by any act of the landholder or superior renter exercising this right, his remedy by application to the Adawlut.

Persons deeming themselves injured by the distraint and sale of their property, may seek redress in the Dewanny Adawlut.

XXXI. Nothing contained in this Regulation shall be construed to prohibit any persons whose property may have been distrained or sold, from instituting a suit in the court of Dewanny Adawlut of the jurisdiction against the distrainer, for any injury which they may think they have thereby sustained. Nor to prevent the several descriptions of landholders, or farmers of land, or other persons vested with the power of distraint, from prosecuting in the court of Dewanny Adawlut of the jurisdiction for arrears due to them from any under-farmer, Ryot, or dependent Zemindar, or Putteedar, or their sureties, should they prefer the last-mentioned mode of procedure to distraining and selling the personal property of the defaulter, or in the cases authorized, of his surety, for the recovery of the arrears under this Regulation.

Persons vested with the powers of distraint to have the option of prosecuting in the Dewanny Adawlut for arrears.

Suits instituted under this Regulation to be tried in preference to all other suits.

XXXII. All suits that may be instituted under this Regulation are to be heard and determined previous to any other suits which may be depending.

A.D. 1795. REGULATION XLVI.

A Regulation *for extending to the Province of Benares, Regulation XXXIII.* 1793, *entitled,* "A Regulation for re-enacting, with Modifications, the "Rules passed on the 11th February and 21st October 1791, for repairing "the Embankments kept in Repair at the public Expense; and for encouraging the digging of Tanks or Reservoirs and Water-courses, and "making Embankments:" Passed *by the Governor General in Council on the 28th August* 1795 *(corresponding with the 14th Bhadoon,* 1202 *Bengal era; the 28th Bhadoon,* 1202 *Fussily; the 14th Bhadoon,* 1202 *Willaity; the 28th Bhadoon,* 1852 *Sumbut; and the 12th Suffer,* 1210 *Higeree).*

I. The reasons assigned in the preamble to Regulation XXXIII. 1793, for providing for the repair of the embankments which are kept in repair at the public expense, and for encouraging the digging of tanks or reservoirs and water-courses, and making embankments, in the provinces of Bengal, Behar, and Orissa, being equally applicable to the province of Benares, the following rules have been enacted.

Regulation XXXIII. 1793, extended to the province of Benares with a modification.

II. The rules contained in Regulation XXXIII. 1793, are hereby extended to the province of Benares; with this modification, that all proprietors of land applying for advances under Section VIII., shall give the same securities as are required from farmers or other persons making such applications, who are not the proprietors of the land for the benefit of which the works are intended to be undertaken.

A.D. 1795. REGULATION XLVII.

A Regulation *for levying a Tax on intoxicating Liquors and Drugs, and for preventing the illicit Manufacture or Vend of them, in the Province of Benares:* Passed *by the Governor General in Council on the 28th August* 1795 *(corresponding with the 14th Bhadoon,* 1202 *Bengal era; the 28th Bhadoon,* 1202 *Fussily; the 14th Bhadoon,* 1202 *Willaity; the 28th Bhadoon,* 1852 *Sumbut; and the 12th Suffer,* 1210 *Higeree).*

Preamble.

I. On grounds similar to those stated in the preamble to Regulation XXXIV. 1793, for establishing a tax on intoxicating liquors and drugs, and for preventing the illicit manufacture or vend of them, in the provinces of Bengal, Behar, and Orissa, the following rules have been enacted for the province of Benares.

No person to manufacture spirituous liquors without a license from the Collector.

II. All persons are prohibited from manufacturing spirituous liquors without a license from the Collector of Benares.

No tax or duty to be levied on spirituous liquors but by Government.

Claims for compensations or deductions.

III. No tax shall be levied on the manufacture or sale of spirituous liquors excepting on the part of Government. Any persons having claims to deductions or compensations on account of duties or taxes levied by them in jaghires or in talookas, or places to which the general settlement concluded in 1197 Fussily did not extend, are to prefer their claim to the Collector, that he may investigate and report upon it to the Board of Revenue, who are to decide upon it, and submit their decision for the confirmation of the Governor General in Council. The courts of judicature are not to take cognizance of such claims; but where a compensation shall have been granted, and the payment of it shall be withheld, they are empowered to take cognizance of suits to obtain payment.

Sections IV., V., VI. and VII., Regulation XXXIV. 1793, extended to Benares.

IV. The rules contained in Sections IV., V., VI. and VII., Regulation XXXIV. 1793, are hereby extended to the province of Benares.

Licenses not to be granted for working stills in the neighbourhood of the city of Benares, or the towns of Mirzapoor, Ghazeepoor, and Juanpoor.

This rule to be applied, as far as may be consistent with the object of it, to large towns either situated at a distance from, or contiguous to, the city of Benares, or the towns of Mirzapoor, Ghazeepoor, and Juanpoor.

V. As granting licenses for working stills in the neighbourhood of the city of Benares, or the towns of Mirzapoor, Ghazeepoor, or Juanpoor, would not only defeat the object of this Regulation as far as it regards the police of the said city and towns, by affording a harbour for disorderly persons in the vicinity of them, but also injure the public revenue, by enabling the distillers in such places to undersell those residing in the said city or towns, the Collector is not to grant licenses for working stills within such a distance of the city of Benares, or of the towns above-mentioned, as may be likely to affect the police, or the produce of the tax on the stills worked therein. This rule is also to be applied, as far as may be necessary, to any other large towns where circumstances may require it; and where any large town may be situated contiguous to the city of Benares, or to either of the three towns above-mentioned, the Collector is to grant licenses in such large town, as if it formed a part of the said city or the town to which it may be so contiguous, or to adopt such arrangements as may appear to him calculated to obviate the consequences above stated.

Sections IX., X., XI., XII., XIII., XIV. and XV., Regulation XXXIV. 1793, extended to Benares.

VI. The rules contained in Sections IX., X., XI., XII., XIII., XIV. and XV., Regulation XXXIV. 1793, are hereby extended to the province of Benares.

Stills not to be established within two coss of Chunar.

Rules to be observed in the removal of shops established within the limited distance.

VII. The Collector is not to authorize the establishment of stills for the manufacture of spirituous liquors within two coss of the military station at Chunar. The Commissary of bazars and the Collector are to proceed, in respect to shops for the sale of spirituous liquors established within the limited distance, in the mode prescribed for similar cases in Section XVII., Regulation XXXIV. 1793.

Section XVIII., Regulation XXXIV. 1793, extended to Benares.

VIII. The rules in Section XVIII., Regulation XXXIV. 1793, are hereby extended to the province of Benares.

Sections II., III., IV., V. and VI., Regulation I. 1794, extended to Benares.

Exception.

IX. The rules contained in Sections II., III., IV., V. and VI., Regulation I. 1794, are hereby extended to Benares; with this exception, that the duties therein assigned to the Darogahs of the police jurisdictions in the zillahs in the provinces of Bengal, Behar, and Orissa, are, in the province of Benares, to be performed by the Tehseeldars, wherever the police jurisdiction vested in them by Regulation XVII. 1795, may extend.

Process against offenders under this Regulation to be carried on by the Vakeel of Government.

X. For the more expeditious trial of persons charged with the offences specified in this Regulation, and the sections of Regulation XXXIV. 1793, and Regulation I. 1794, above declared to extend to the province of Benares, upon any such person being brought before the Judge, the Collector is to order the Vakeel of Government to exhibit the information and proofs against him, and the Judge shall without delay make a summary inquiry into the matter, and

How penalties are to be levied.

pass such decision as may appear to him equitable. If a person convicted of any of the said offences shall omit or refuse to discharge the penalty which may be imposed on him, the Judge is to commit him to close custody, and proceed to levy the penalty, by issuing the same process against his property as is prescribed for enforcing decrees of the court. If property belonging to the offender sufficient to make good the penalty shall not be found, the Judge is to commit him to the gaol of the criminal court and keep him to hard labour for one month, and then discharge him.

Punishment to be inflicted where the penalty cannot be exacted.

A.D. 1795. REGULATION XLVIII.

A.C.

A REGULATION *for prohibiting covenanted Civil Servants of the Company employed in the Administration of Justice, or the Collection of the public Revenue, in the Province of Benares, from lending Money to Talookdars, Zemindars, Putteedars, or other actual Proprietors of Land, or to Farmers of Land holding Farms immediately of Government, or the Under-farmers or Ryots of the several Descriptions of Proprietors and Farmers of Land above-mentioned, or their respective Sureties; and for prohibiting in the said Province, Europeans of any Description holding Possession of Lands that may be mortgaged to them, or purchasing or renting Lands for erecting Houses or Buildings for carrying on Manufactures, or other Purposes, without the Sanction of the Governor General in Council:* PASSED *by the Governor General in Council on the 28th August* 1795 *(corresponding with the 14th Bhadoon,* 1202 *Bengal era; the 28th Bhadoon,* 1202 *Fussily; the 14th Bhadoon,* 1202 *Willaity; the 28th Bhadoon,* 1852 *Sumbut; and the 12th Suffer,* 1210 *Higeree).*

I. THE reasons assigned in the preamble to Regulation XXXVIII. 1793, passed for the provinces of Bengal, Behar, and Orissa, for preventing the covenanted civil servants of the Company employed in the administration of justice or the collection of the revenue, from lending money to the landholders or farmers, or others concerned in the collection or payment of the revenue, and for restricting all Europeans from purchasing or holding lands out of the limits of Calcutta, excepting for the erection of dwelling-houses, or buildings for carrying on manufactures, or for other commercial concerns, and prohibiting them from purchasing or holding such lands even for those purposes without the sanction of the Governor General in Council, being equally applicable to the province of Benares, the following rules have been enacted.

Covenanted servants of the Company employed in the administration of justice or collection of the revenue, prohibited lending money to proprietors or farmers of land, dependent Zemindars, under-farmers, or Ryots, or their sureties.

II. The Judges and Magistrates of the city court and the zillah courts, the Judges of the provincial court of appeal and the court of circuit, and the Registers to the several courts, and their Assistants, or other officers being covenanted servants of the Company, and the Collector of the revenue and his Assistants, are prohibited from lending money, directly or indirectly, to any proprietor or farmer of land, or dependent Zemindar, or under-farmer or Ryot, or their sureties; and all loans which may be made in opposition to this prohibition, after the commencement of the Fussily year 1203, are declared irrecoverable in any court of judicature.

Europeans now possessing, or who may hereafter purchase, rent, or occupy land without the sanction of the Governor General in Council, liable to be dispossessed at his discretion.

III. No European, of whatever nation or description, shall purchase, rent, or occupy, directly or indirectly, any land within the province of Benares, without the sanction of the Governor General in Council; and all persons now so holding land without having obtained such permission, either directly from Government or from any of the Residents, or who may hereafter unauthorizedly purchase, rent, or occupy land, shall be liable to be dispossessed of the same at the discretion of the Governor General in Council, nor shall they be entitled to any indemnification for buildings which they may have erected thereon, or other account.

Europeans not prohibited lending money to proprietors, &c. on mortgage of the estates or leases, not to be allowed to have possession of the land, or to have any concern in the collections.

IV. Europeans who are not prohibited under Regulation XXXIII. 1795, or otherwise, from lending money to proprietors or farmers of land, dependent Zemindars, Putteedars, under-farmers, or Ryots, and who may make loans to them on the security or mortgage of their lands or leases, shall not be allowed, directly or indirectly, to hold possession of the lands, the proprietary right in which, or lease whereof, may be mortgaged to them as security for the loan, nor to make or appropriate the collections, nor to have any concern or interference whatever in the management or collection of the rents or revenue of the lands.

Collector to depute an officer to measure ground which the Governor General in Council may permit a European to hold.

Collector to report when any Europeans may possess themselves of land without authority.

V. When a European shall be permitted by the Governor General in Council to purchase, occupy, or rent any land in the province of Benares, it shall be measured by an officer to be appointed by the Collector, and the expense attending the measurement shall be paid by the party purchasing, renting, or occupying the ground. It shall be the duty of the Collector to report to the Board of Revenue, for the information of the Governor General in Council, every instance that may come to his knowledge, in which Europeans may directly or indirectly purchase, occupy, or rent land without such authority.

Annual statement of lands held by Europeans to be sent by the Collector to the Board of Revenue.

VI. Upon the receipt of this Regulation, the Collector is to transmit a statement, specifying the names of the Europeans possessing, renting, or occupying land within the province, the extent of the land, the purpose to which it is applied, and from what period and under what authority it has been so possessed, occupied, or rented. The Collector is to transmit a similar statement to the Board of Revenue annually by the 1st of January.

A.D. 1795. REGULATION XLIX.

A REGULATION *for appointing the head Cauzy of the Provinces of Bengal, Behar, and Orissa, head Cauzy of the Province of Benares, and for extending to that Province the Rules contained in Regulation XXXIX. 1793, regarding the Cauzies stationed in the Cities, Towns, and other Places in the three first-mentioned Provinces:* PASSED *by the Governor General in Council on the 28th August 1795 (corresponding with the 14th Bhadoon, 1202 Bengal era; the 28th Bhadoon, 1202 Fussily; the 14th Bhadoon, 1202 Willaity; the 28th Bhadoon, 1852 Sumbut; and the 12th Suffer, 1210 Higeree).*

I. CAUZIES are stationed in the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor, and in the pergunnahs in the province of Benares, for the performance of the same duties as are assigned to the Cauzies in similar situations in the provinces of Bengal, Behar, and Orissa; and the prescriptions contained in that Regulation, with the exception hereafter specified, being equally applicable to the province of Benares, the following rules have been enacted.

Head Cauzy of Bengal, Behar, and Orissa, to be head Cauzy of Benares.

II. *First.* The head Cauzy of the provinces of Bengal, Behar, and Orissa, shall also be head Cauzy of the province of Benares, and shall be appointed under the rules prescribed in Clause First, Section II., Regulation XXXIX. 1793.

Inscription for the seal of the head Cauzy of the four provinces.

Second. The following inscription is to be substituted on the seal of the head Cauzy, in lieu of that prescribed in Clause Second, Section II., Regulation XXXIX. 1793; "The seal of the Cauzy ul Cozaat of the provinces of Bengal, Behar, Orissa, and Benares." (Name of the head Cauzy.)

Rules in Regulation XXXIX. 1793, from Section III. to Section XI., extending to Benares.

III. The rules contained in the several sections of Regulation XXXIX. 1793, from Section III. to Section XI., regarding the Cauzies stationed in the cities, towns, and pergunnahs in the provinces of Bengal, Behar, and Orissa, are hereby extended to the Cauzies stationed in the city of Benares, and in the towns of Mirzapoor, Ghazeepoor, and Juanpoor, and the several pergunnahs in the province of Benares; with this exception, that instead of Regulations XVII. and XXIV. 1793, they are to consider the prescriptions contained in Regulation XLV. 1795; and Regulation XXXIV. 1795, as the rules for their guidance, with regard to the sale of property distrained for arrears of rent or revenue and the payment of pensions.

Exception.

A.D. 1795. REGULATION L.

A Regulation *for prohibiting Talookdars, Zemindars, or other Proprietors of Land paying Revenue, in the Province of Benares, from fixing the Jumma of dependent Tenants (whether Zemindars or Putteedars), or granting Leases or Pottahs for a Term exceeding ten Years; and in Cases of Lands being disposed of at public Sale for the Discharge of Arrears of the public Revenue, for rendering null and void all Engagements (with certain exceptions) subsisting between the defaulting Proprietor and his dependent Zemindars, Putteedars, Under-farmers, and Ryots, for the Payment of Rent or Revenue on account of the Lands so sold:* Passed *by the Governor General in Council on the 28th of August 1795 (corresponding with the 14th Bhadoon, 1202 Bengal era; the 28th Bhadoon, 1202 Fussily; the 14th Bhadoon, 1202 Willaity; the 28th Bhadoon, 1852 Sumbut; and the 12th Suffer, 1210 Higeree).*

I. The public demand upon the estates of the proprietors of land, with whom a settlement has been or may be concluded under the original Regulations for the quartennial and decennial settlements, having been declared fixed for ever, it is to be apprehended that many proprietors, either from improvidence, ignorance, or with a view to raise money, or from other causes or motives, may be induced to dispose of dependent zemindarries or other tenancies, to be held at a reduced jumma, or fix the jumma of such dependent tenancies of this description as now exist in their respective estates at an under rate, or let lands in farm, or grant pottahs for the cultivation of land at a reduced rent, for a long term or in perpetuity. Such engagements, if held valid, would leave it in the power of weak, improvident, or ill-disposed proprietors, to render their property of little or no value to their heirs, promote vice and injustice, occasion a permanent diminution of the resources of Government arising from the lands, in the event of the rent or revenue reserved by such proprietors being insufficient for the discharge of the amount of the public demand upon their estates, be an abuse of the great and lasting benefit which has been conferred upon the landholders by the possession of their lands being secured to them in perpetuity at a fixed assessment, and moreover, be repugnant to the ancient and established usages of the country, according to which the dues of Government from the lands (which consist of a certain proportion of the annual produce of every begah of land demandable, according to the local custom, in money or kind, unless Government has transferred its right to such proportion to individuals for a term or in perpetuity, or fixed the public demand upon the whole estate of a proprietor of land, leaving him to appropriate to his own use the difference between the value of such proportion of the produce and the sum payable to the public, so long as he continues to discharge the latter), are unalienable without its express sanction. It is, at the same time, essential that Talookdars and proprietors of land should have a discretionary power to fix the revenue payable from their dependent tenancies, and to grant leases or fix the rents of their lands, for a term sufficient to induce their dependent Zemindars, under-farmers, and Ryots, to extend and improve the cultivation of their lands, and that such engagements should be held inviolable in all cases, excepting where they may interfere with or affect in any shape the primary and indefeasible rights of Government. Upon the above ground, and as the proprietors of land previous to the quartennial and decennial settlement being declared perpetual were not entitled to enter into any engagements with their dependent Zemindars, Putteedars, under-farmers, or Ryots, for a period extending beyond the term of their own engagements with the public, the Governor General in Council has enacted as follows.

No jumma of dependent tenancies to be fixed, nor farms or pottahs granted, for a term exceeding ten years.

Engagements for ten years, or less, not renewable at any period during the term of them, except in the last year.

All evasions of this rule null and void.

All engagements, leases, and pottahs, which have been or may be granted, repugnant to this section, declared void.

II. No Talookdar, Zemindar, or other actual proprietor of land, nor any person on their behalf, shall dispose of a dependent tenancy to be held at the same or at any jumma, or fix at any amount the jumma thereof, for a term exceeding ten years; nor let any lands in farm, nor grant pottahs to Ryots or other persons for the cultivation of lands, for a term exceeding ten years. Nor shall it be lawful for any Talookdar, Zemindar, or other actual proprietor of land, who may have entered into an engagement with any dependent Zemindar, fixing the jumma of his tenancy for a term not exceeding ten years, or let any lands in farm, or granted pottahs for the cultivation of lands for a term not exceeding ten years, to renew such engagement, lease, or pottah, at any period before the expiration of it excepting in the last year; at any time during which it shall be lawful for the parties to renew such engagement, lease, or pottah, upon the same or any other terms, for a period not exceeding ten years, calculating from the expiration of the year in which such renewal may take place. All evasions of the prohibitions contained in this section, by entering into two separate engagements, leases, or pottahs at the same time, dating an engagement, lease, or pottah subsequent to the period at which it may have been actually executed, or by any other device, shall be considered as an infringement of them; and every engagement fixing the jumma of a dependent tenancy, and every lease or pottah which has been or may be concluded or granted in opposition to such prohibitions, is declared null and void.

Existing engagements between Talookdars, or other proprietors, and their dependent Zemindars, under-farmers, and Ryots, if conformable to this Regulation, not to be affected by divisions of the estate made pursuant to judicial decrees or the request of the joint proprietors.

III. Where a division of a joint estate shall be made at the request of the proprietors, or pursuant to the decree of a court of justice, the fixed public revenue assessed upon the whole estate shall be apportioned on the several shares, agreeably to the principles prescribed in Section VII., Regulation XXVII. 1795, without regard to any engagements that may subsist between the proprietors and their dependent tenants, under-farmers, or Ryots. But the sharers shall not demand from the dependent tenants, under-farmers, or Ryots, in their respective shares, any sum beyond the amount specified in the engagement, lease, or pottah, which may have been entered into between them and the proprietors jointly previous to the division of the estate, provided that such engagement, lease, or pottah, be not repugnant to the rules prescribed in Section II., and such dependent tenants, under-farmers, or Ryots, shall duly perform their part of it; but it shall remain in full force (excepting in the event of the lands being disposed of at public sale for the discharge of arrears of the public assessment) until the term of it shall have expired.

Engagements abovementioned not to be affected by the transfer of the lands by public sale (except for arrears of revenue), or by any private act of the proprietors.

IV. If the whole or a portion of any estate shall be transferred by public sale (excepting it be so disposed of for the discharge of arrears of the public revenue), or by private sale, gift, or otherwise, or devolve to any person upon the death of the former proprietor, according to the Hindoo or Mahomedan law of inheritance, the person or persons to whom the lands shall be so transferred or may so devolve, shall not demand from the dependent tenants, under-farmers, or Ryots, in the lands transferred, any sum beyond the amount specified in the lease, pottah, or other engagement, for the payment of rent or revenue, which may have been entered into between them and the former proprietor previous to the transfer or devolution, provided that such engagement be not repugnant to the rules prescribed in Section II., and that such dependent tenants, farmers, or Ryots, duly perform their part of it, but it shall remain in full force until the term of it shall have expired.

When lands are sold to make good arrears of public revenue, all engagements subsisting between the proprietors and their dependent Talookdars, farmers, and Ryots, on account of such lands, to be null and void.
Exception to the rule.

V. Whenever the whole or a portion of the lands of any Talookdar, Zemindar, or other actual proprietor of land, shall be disposed of at public sale for the discharge of arrears of the public assessment, all engagements which such proprietor shall have contracted with dependent tenants whose tenancies may be situated in the lands sold, as also all leases to under-farmers, and pottahs to Ryots for the cultivation of the whole or of any part of such lands (with the exception of the engagements, pottahs, and leases, specified in Section VII.) shall stand cancelled from the day of sale, and the purchaser or purchasers of the lands shall be at liberty to collect from such dependent tenants, and from the Ryots or cultivators of the lands let in farm and the lands not farmed, whatever the former proprietor would have been entitled to demand, according to the established usages and rates of the pergunnah or district in which such lands may be situated, had the engagements so cancelled never existed.

This Regulation not to prohibit proprietors from disposing of dependent tenancies.

VI. Nothing contained in this Regulation shall be construed to prohibit any Talookdar, Zemindar, or other actual proprietor of land, selling, giving, or otherwise (as far as he may be legally competent) disposing of any part of his lands as a dependent tenancy, whether as a zemindarry or putteedarry.

Nor to prohibit grants or leases for any term for the purposes herein specified, except to British subjects and Europeans.

VII. Nor to prohibit actual proprietors of land granting, without the sanction of Government or its officers, to any person not being a British subject or a European, a lease or pottah for ground, for any term of years or in perpetuity, for the erection of dwelling-houses, or buildings for carrying on manufactures, or other purposes, and for offices for such houses or buildings, or for gardens.

A.D. 1795. REGULATION LI.

A Regulation *respecting ryotty Pottahs in the Province of Benares*: Passed *by the Governor General in Council on the 28th August* 1795 (*corresponding with the* 14*th Bhadoon,* 1202 *Bengal era; the* 28*th Bhadoon,* 1202 *Fussily; the* 14*th Bhadoon,* 1202 *Willaity; the* 28*th Bhadoon,* 1852 *Sumbut; and the* 12*th Suffer,* 1210 *Higeree*).

I. To prevent undue demands being made on the Ryots or cultivators of the soil by the Aumils, Zemindars, farmers, or others, entitled to levy from them the hakimee, or Government's proportion of the produce, Aumeens were deputed by the Resident at Benares, on the 12th February 1795, to cause pottahs to be granted to the Ryots agreeably to certain forms, by which their payments were to be regulated. For reasons hereafter stated, these Aumeens were recalled before they had completed the issue of the prescribed pottah The instructions to these officers, with alterations and additions, calculated fo the more effectual accomplishment of the object of those instructions, are no enacted into a Regulation, and are to be considered as the rules respectin ryotty pottahs throughout the districts in the province of Benares, to whic the settlement concluded by the Resident extended.

Measures adopted to cause bilmokta pottahs to be granted to Ryots.

II. *First.* Orders were repeatedly issued to the Aumils and Canongoes t cause the Zemindars and farmers to issue to their Ryots bilmokta pottahs (*i. e.* pottahs with the maal and aboab consolidated), for the nekdy or money part of the rent payable to them, and to specify therein where the rent is estimated according to the produce, the mode of the betay or division of the crop, and also the proportions in which the division was to be made (*viz.* whether in equal proportions, or in the proportions of seven to nine, or of five to two, or of two to one, or according to whatever local zebetanch or custom might be prevalent in each place); and the Aumils were also repeatedly enjoined to issue similar pottahs in those parts of the pergunnahs which continued amauny. There being ground to believe, however, that notwithstanding these orders the prescribed pottahs had not been duly issued, Aumeens were deputed, on the 12th of February 1795, to cause them to be granted throughout all that part of the four circars to which the general settlement had extended. The Aumeens thus deputed were accordingly furnished with instructions to cause the Talookdars, Zemindars, and farmers, in the musheckheesee mozahs or villages for which a settlement had been concluded, and the Aumils in the villages which remained amauny, to grant the prescribed pottahs to the Ryots and cultivators, in conformity to a draft prepared for the purpose; the pottahs to be granted to every Ryot and cultivator in the musheekheesee villages to specify with precision the rates of payment according to the two last years, as far as regarded the nekdy or money part thereof, and also the modes and proportion of the betay where the payments of the Ryots were estimated in kind or upon the produce; and in the event of the rates to be thus inserted in the pottahs being any where disputed between the Aumils or Malguzars on the one part, and the Ryots on the other, such disputed rates were directed to be regulated and adjusted on reference to the accounts of the Putwarries, and with the assistance of the Canongoes; so that consideration being had to the present condition of the ground and the caste of the cultivator, the bilmokta rye or rate, inclusive of maal and aboab on account of such ground, might be fixed at the same rate as that at which a cultivator of the same caste would have been assessed for it in the Fussily year 1187.

Pottahs for mootry tenures.

Second. Under these instructions, where the custom of mootry (or the payment of one general rate for different kinds of ground and of crop) was found to prevail, the Aumeens were directed to continue it, and even to endeavour to extend it, wherever the parties concerned might voluntarily agree to its adoption.

Nekdy or money rent pottahs for tenures not mootry.

Third. In pottahs issued for a money rent, with the exception of those granted for mootry tenures, the number of begahs, the description of begah (*viz.* whether the begah computed by the rod of three deras ilahee, the begah of the measure prevalent in the pergunnah, or the dherawat, or begah ascertained by estimate), and the bilmokta rye or consolidated rate of assessment

on

Mode of obviating the addition of any kesraat to the consolidated rate to be inserted in the ryotty pottahs in general.

on each of such begahs, were directed to be specified, so as to preclude the necessity of superadding to such rate the kesraat, or difference of rate proportionate to the variation in the extent of the several descriptions of begahs. For this purpose it was ordered, that the Malgoozars and Ryots, with the assistance of the opinions of the Canongoes and the approbation of the Aumeens, should fix at once the bilmokta rye, or consolidated rate, in one sum, in proportion to the extent of the begah, leaving it to the parties to determine on which of these three descriptions of begahs the calculation of the rye should be made, instead of confining them to one description of begah, as had been prescribed by the rule contained in Section IV., Regulation II. 1795.

In what instances such pottahs might be granted to the Putteedars.

Fourth. In the event of any of the Putteedars being desirous of obtaining pottahs for the land cultivated by them, the Aumeens were instructed to cause the Pottahdars, or persons holding pottahs of Government, to grant pottahs accordingly, in conformity to the principles above prescribed. But if such Putteedars should not apply for pottahs, the Aumeens were informed that they were not to cause pottahs to be granted to them, but were to leave them to continue to pay as formerly, *i. e.* subordinately to, and in conjunction with, their principals.

How these pottahs were to be granted and attested.

In the musheekheesy and in the amauny lands.

In reference to the duties of the Aumils under the settlement.

Fifth. In the musheekheesy lands, these pottahs were directed to be issued with the concurrence of the Aumeen and under the signatures of the grantors (*i. e.* the Pottahdars of Government), and to be attested also by the Canongoes. In the villages which were continued amauny, it was directed that the said pottahs should be issued by the Aumils, under their signature and the attestation of the Canongoes, and that they should also be countersigned by the Aumeens; as, for the future, the Aumils neither had, nor were to possess any authority to augment or diminish the rental of Government, their duties being limited to the realizing of the fixed revenue, the preservation of the peace throughout their respective limits, and the execution of such orders as might occasionally be addressed to them.

Rules for adopting and distinguishing in the pottahs the different denominations of culture and of begahs.

Sixth. The zeyl, or detailed particulars, annexed to the form of pottah, with which the Aumeens were furnished, contained an enumeration of the different modes of ryotty payments, whether of mootry, nekdy, herkowla, or betay, and of purtee, keel, and jungle, &c. one or other of which would necessarily be found applicable to the land and circumstances of every cultivator; and it was pointed out to the Aumeens, that the pottahs of those Ryots only whose cultivation was carried on agreeably to the practice termed mootry, and no other, were to specify the amount of the rent annexed to their pottahs under that single head only; whilst, in instances in which Ryots cultivated not only on mootry but also on nekdy and betay agreements, this form of pottah also prescribed how the particulars of the zeyl were, under such circumstances, to be subjoined, at the same time that it comprehended under the several heads of cultivation, a specification of the denomination of begah, in order that as all the three descriptions of begahs particularized in Clause Third were more or less in use in the province, it might be left to the option of the Malgoozars and Ryots to adopt in their engagements whichever of these three standards they might prefer, the Aumeens being required only to see that the description of begah agreed on should in every instance be specified.

Seventh. The following is a translate of the general form of pottah with which the Aumeens were furnished:

General form of pottah.

" A pottah of engagement and stipulation in the name of ...., according " to the zeyl, without aboab or serf. The fota or rent for the entire year of the " cultivation shall be taken bilmokta, or according to one rate; and exclusive " of that, neither a daam or dhirm shall be taken.

" ZEYL, or annexed specification of RENT.

" *Nekdy or money rent.*

" 1st. Mootry 12 begahs (either of 3 " dera ilahee, or pergunnah begahs, or " dherawat or estimated begahs), at 3 ru- " pees 2 annas per begah, Rupees 37 8 0

" 2d. Kwyraur, &c. (being for the more " valuable articles of cultivation) 13 begahs " (whether of 3 dera ilahee, or pergunnah " measurement, or dherawat) viz.

" Sugar-cane 10 begahs, at 5 rupees " 1 anna per begah	50	10	0
" Tobacco 2 begahs, at 6 rupees " per begah	12	0	0
" Moolee or vegetables 1 begah, " at 2 rupees 1 anna per begah	2	1	0
	64	11	0

" And where, from the change in the cul- " tivation, a new pottah shall become ne- " cessary, it shall be granted according to " the rates of the two last years, with the " privity of the Canongoes, according to " the shirabundy, or established rates of " the pergunnah, and I (the Zemindar or " farmer) shall certainly not object to give " a pottah.

" 3d. Herkowla, or for common nekdy " cultivation, 12 begahs (either the 3 dera " ilahee, or of pergunnah measurement, or " of dherawat), at different rates.

" 1st. 2 begahs at 1 8	3	0	0
" 2d. 3 begahs at 1 12	5	4	0
" 3d. 3 begahs at 1 4	3	12	0
" 4th. 2 begahs at 1 0	2	0	0
" 5th. 1 begah at 1 2	1	2	0
" 6th. 1 begah at 0 12	0	12	0
"	15	14	0

" *Bhawullee or betay, i. e. where the rent is* " *in proportion to the crop.*

" The bega to be of 3 dera ilahee mea- " surement, or pergunnah, or dherawat " measurement, and the rent to be assessed " by kunkoot or appraisement, either at " half-and-half, or 9 to 7, or 5 to 2, or 2 " to 1, according to the local usage, and " the money assessment thereon to be ac- " cording to the current market price, as " fixed for each harvest by Government.

" Purtee, and keel, and jungle land, ac- " cording to the good-will of the partics, " either on a nekdy or betay engagement.

Precaution taken on the departure of the Aumeens to apprize the landholders of the object of their deputation, and points ascertained during their progress.

III. *First.* On the departure of these Aumeens, the strongest assurances were published to all the Zemindars and farmers, that the object of their deputation was solely to ensure from them that justice to their Ryots which Government had bound itself to observe to them, by concluding with them a permanent settlement, the conditions of which would on no account be infringed. A considerable degree of jealousy, however, was manifested by the Zemindars and farmers during the progress of the Aumeens, several of whom represented the difficulties which they experienced in the execution of their instructions, both from the above and other causes. These difficulties are stated in the following clauses, with a view to future eventual arrangements.

Rule in case of no Putwarries being kept in an estate or farm

Second. The Aumeen in the tuppah of Ophroude, in the pergunnah of Chourassy, represented that several places in that tuppah were without Putwarries; and as similar complaints were received from other parts of the district, the Aumeens were, in reply, directed to cause the proprietors and farmers to appoint Putwarries wherever they were wanted; and, in the mean time, to oblige the Gomastahs of the said proprietors or farmers, or the officers entertained for keeping such written or other village accounts as are kept, to produce them to the courts of judicature or to the Collector, in the instances in which either are empowered by the Regulations to require them.

Refusal of certain descriptions of Ryots to take pottahs.

Third. Several Ryots in the pergunnah of Chownsa and other parts, who had been used to divide the grain with the Zemindar or farmer in the mode called agore, according to the produce, would not take pottahs specifying either any rent per begah, or even the number of begahs which they cultivated; circumstances that are adverted to, and in some measure provided for, in Section XXI., Regulation II. 1795.

How pottahs are to be issued from tenants on mortgage tenure to the Ryots.

Fourth. The Aumeen in the tuppah of Kone, in the pergunnah of Chourassy, represented that sundry Zemindars had mortgaged a part of their lands to other Zemindars, and had, in consideration thereof, given them pottahs at lower rates than the established ones, so as merely to prove equal to the payment of Government's jumma, whilst the mortgagees caused the grounds in question to be cultivated by other Ryots, from whom they took the usual rate of rent. The Aumeens desired instructions whether they should cause pottahs to be given to these mortgagees, according to those which they held from the Zemindars, or whether the pottahs should be issued at such rates as the mortgagees exacted from the Ryots. In reply to this application, the Aumeens were directed to cause pottahs of the last-mentioned description to be issued to the Ryots, not however by the proprietors but by the mortgagees; and they were further informed that this rule was to be observed in all similar cases.

Mode of Zemindars and farmers attempting to conceal the funds in their estates by pretended exorbitant grants to the Putwarries.

Fifth. It appearing by a representation from the Aumeen at Mureeahoo, that the Zemindars and farmers concealed the revenue lands in their occupancy, by pretending to have assigned them, in larger proportions than was ever usual, to the Putwarries, for their maintenance or otherwise; the Aumeen was instructed not to admit of this abuse, but to cause pottahs to be issued for all grounds over and above the usual quantity granted to the Putwarries for their maintenance in their official situations.

Difficulty in respect to betay pottahs from the custom of superadding aboab to be proportionably levied on the valuation of the crop.

Sixth. The Aumeen in the pergunnah of Baleeah represented, that although his instructions required that the rate of rent should be fixed bilmokta, or in one sum, there were circumstances which rendered the observance of this rule in some instances impracticable; such as various aboabs proportionally added in the betay ryotty tenure to the money result of the jumma or valuation of the crop, according to the market prices of grain; these aboabs being often at the rate of one anna or of two annas per rupee on the valuation of the crop, on account of batta, and perhaps of three annas for the dehkherch per begah; whilst, in several other villages, these articles of batta and kherch were levied uniformly at a certain rate per rupee on the amount of the valuation of the crop, as aforesaid. That it was therefore evident that these money rates could not be taken into account, so as to admit of their amount being ascertained in a betay pottah, farther than by fixing their proportional rates in the rupee on the amount of the valuation of the crop, or on the bega of the cultivation, as the local custom might in either case require. This Aumeen was accordingly instructed to confine himself to the insertion of these proportionate rates of aboabs.

Respecting the small begah in the pergunnah of Kureendeh, &c.

Seventh. It appeared that in sundry villages in the pergunnah of Kureendeh it had been and continued the custom amongst the Malgoozars and Assamees (i. e. the Zemindars or farmers and the Ryots) to carry on their cultivation and keep their accounts according to the practice termed by them cucha dherawat gortaur, that is, where the begahs are measured by steps, of which one begah is equal only to eight pukhta biswas, and two and a half of cucha begahs to one pukhta begah. The Aumeen in that pergunnah having hereon reported, that the Ryots in such places could not be made, without great difficulty, to comprehend the advantage of calculating by the pukhta instead of the cucha begah, directions were given that their own customs should be continued, on condition that the description of the begah, and the mode of measurement, should be clearly specified in the pottahs to be granted in such places.

Preference assigned to the Serberakars above the Zemindars in Kureendeh, in respect to signing the Ryots' pottahs.

Eighth. In the said pergunnah of Kureendeh it was on the same day ordered, in reply to a query from the Aumeen, that where the Serberakars or managers (mentioned in Section XVII., Regulation II. 1795) were on terms of good understanding with the Zemindars, they might, if they pleased, affix their signatures to the pottahs to be granted to the Ryots, but that wherever it became a question which of them should have the preference, it must be allowed to the Serberakar, as long as the latter remained responsible for the revenue.

Mode of raising the public revenue of the village by the inhabitants joining in an assessment on their crops, so as to prove equivalent to the demand of Government.

Ninth. The same Aumeen having reported, that in Pehaurpoor, and some other villages in Kureendeh, he had issued the pottahs in the terms of his instructions, although in fact it had been, and still was customary for the Zemindars, Putteedars, and other chupperbund Assamees or Ryots, to meet together, and lay on such a money-assessment on the Government's half of the grain as might make up the public revenue; it was thereupon ordered, that those who preferred this mode might adhere to it, and even have this condition inserted in their pottahs, without the stipulation that such assessment should be founded on the market price, as is the rule in general for all other places.

Farther motive for the refusal to accept of pottahs.

Tenth. The Aumeen in the pergunnah of Mohammedabad reported, that certain persons in that district, claiming to be the descendants of the ancient Zemindars of villages now rented to farmers, refused to receive pottahs for the ground which they cultivated from the latter, alleging that they should thereby suffer degradation.

Government's order to recal the pottah Aumeens.

IV. The deputation of the Aumeens and their proceedings having been reported to the Governor General in Council, he observed in his reply of the 26th June 1795, that difficulties similar to those stated by the Aumeens in Benares had been experienced in enforcing the Regulations regarding pottahs in the other three provinces. That, in many places, the Ryots had omitted to take out pottahs, or objected to receive those tendered to them agreeably to the Regulations; and that, owing to the variation in the rates in the different pergunnahs and districts and other local circumstances, disputes had been occasioned, where both the proprietor and the cultivator of the lands were before satisfied with the rates of assessment that had been mutually agreed upon between them. That the rules regarding pottahs contained in Regulation IV. 1794, for the provinces of Bengal, Behar, and Orissa, had in consequence been passed, under which, if any dispute arose between a proprietor or a farmer of land and a Ryot, regarding the rates of pottahs, the latter, by application to the court of judicature, could always obtain a pottah at the ancient and established rates of the districts, and that where no such dispute subsisted, the interference of Government was of course unnecessary. That, from these considerations, and as the variations in the rates in the different districts, and in the quality of the lands in Benares, might render it extremely difficult for the Aumeens to fix the rates and the terms of the pottahs to the satisfaction of both parties, and as there might be considerable danger of their often favouring one or other of them, the Governor General in Council directed the Aumeens to be recalled, and ordered that rules similar to those contained in Regulation IV. 1794, should be adopted in Benares, it being presumed that the operation of them would gradually lead to the defining and fixing the rates to be paid for land in the different districts and villages where any dispute might subsist respecting them, without incurring the inconveniences liable to arise from attempting to effect this object at once by the deputation of Aumeens.

Recal of the pottah Aumeens, and remark as to the degree of validity, or otherwise, of the pottahs issued under their instructions.

V. In pursuance of the directions in the preceding section, the pottah Aumeens were recalled on the 8th of July 1795; and with respect to the progress which they made in granting pottahs, wherever it shall appear that they have caused pottahs to be granted in deviation from the letter and spirit of the instructions under which they acted, such pottahs are to be deemed invalid, and are to be so adjudged in any court of justice; whilst, on the other hand, the operation of those in which the parties have acquiesced are to be admitted. This last-mentioned rule can be productive of no injury to either party, as all the pottahs, with the exception of those for the mootry tenures, are liable to annual renewal, in consequence of the alteration that unavoidably takes place in the annual cultivation of the Ryots.

Further period allowed for the distribution of pottahs.

VI. On the recal of the Aumeens, they were directed to make it known that it was expected and required of the Talookdars, Zemindars, and farmers, that they should complete the issuing of the pottahs to their Ryots in the form and manner required in Section II. The proprietors and farmers of land are accordingly hereby allowed until the expiration of the Fussily year 1204 for granting these pottahs; and after that period no engagements for rent (exclusive of the exceptions in the cases specified in Clauses Third, Ninth, and Tenth, Section III., the usages detailed in which are to be admitted), contrary to those ordered in that section, or such other as the Collector, with the sanction of the Governor General in Council, may prescribe, shall be held valid; and the parties prosecuting under such informal engagements shall be nonsuited with costs.

Rules for cases in which Ryots omit or refuse to take out the prescribed pottahs.

VII. To provide against the Ryots refusing or omitting to take out or receive pottahs, although the persons from whom they are entitled to demand them be ready to grant them, in the form and on the terms that now are, or may be hereafter prescribed by this or any future Regulation, it is declared, that if a proprietor or farmer of land shall fix up in the principal cutcherries in his estate or farm, a notification in writing, under his seal and signature, specifying that pottahs, according to the form prescribed in Clause Seventh, Section II., or such other form as the Collector, with the sanction of the Governor General in Council, shall have approved, and at the established rates, will be immediately granted to all Ryots who may apply for them, and stating where, and when, and by whom the pottahs will be delivered, the notification shall be considered as a legal tender of a pottah, and the proprietor of land, or the farmer, shall be deemed to have complied with the order; and the persons so tendering pottahs shall be entitled to recover the rents due to them from such Ryots as fully and effectually, to all intents and purposes, as if there existed written engagements between the parties.

All new forms of pottahs to be registered in the city or zillah courts, and copies to be deposited in each of the principal cutcherries.

VIII. The approbation of the Collector in respect to the pottahs is to be considered to extend to the form only; as far as regards which he is, under the orders of Government, authorized either to adhere to that contained in Clause Seventh, Section II., or to adopt such other forms as the local circumstances of the district may in any part thereof render more expedient. But in all cases of deviation from the form aforesaid, the Collector is to signify his approbation of the new form of pottah introduced, by superscribing it with his name and official appellation; and thereupon he is to register a copy of such form or forms in the Dewanny Adawlut of the city or zillah within the jurisdiction of which such pottahs are to be issued, and to cause a copy thereof to be deposited in each of the principal cutcherries of the estate, or farm, or talooka, in which such pottahs are to be granted.

Rules for determining the disputes regarding the rates of pottahs to be granted to the Ryots.

IX. If a dispute shall arise between the Ryots and the persons from whom they may be entitled to demand pottahs, regarding the rates of the pottahs (whether the rent be payable in money or kind), it shall be determined in the Dewanny Adawlut of the city or zillah in the jurisdiction of which the lands may be situated, according to the rules established in the pergunnah, or tuppeh, or talooka, for lands of the same description and quality, and for the same caste of cultivators, as those respecting which the dispute may arise.

Rule applied to the renewal of pottahs that may expire or become cancelled.

X. The rules in the preceding section are to be considered applicable not only to the pottahs which the Ryots are entitled to demand in the first instance, but also to the renewal of pottahs which may expire or become cancelled; and it is declared that no proprietor or farmer of land, nor any other person, shall require Ryots whose pottahs may expire or become cancelled, to take out new pottahs at higher rates than the established rates of the pergunnah for lands of the same quality and description; due consideration being had, as far as may be required by the custom of the district, to the alteration of the species of culture and the caste of the cultivator. Under this rule, khodkasht or chupperbund Ryots will be entitled to have their pottahs renewed at the established rates, upon making application for that purpose to the person by whom the pottahs are to be granted, as are also paykasht Ryots, provided the proprietor or farmer chooses to permit them to continue to cultivate the land, which they have the option to do or not, as they may think proper, on the expiration of all paykasht leases; whereas khodkasht Ryots cannot be dispossessed, as long as they continue to pay the stipulated rent

Distinction as to the permanency of tenure between the khodkasht and paykasht Ryots.

A.D. 1795. REGULATION LII.

A

A Regulation *for licensing the Importation of Salt into the Port of Calcutta, on Ships built and fitted out within the Provinces of Bengal or Behar, or that Part of Orissa which is under the Dominion of the Company, and being the Property of British Subjects, or of Natives residing within the said Provinces and subject to the Company's Government:* Passed *by the Governor General in Council on the 28th August* 1795 *(corresponding with the 14th Bhadoon,* 1202 *Bengal era; the 28th Bhadoon,* 1202 *Fussily; the 14th Bhadoon,* 1202 *Willaity; the 28th Bhadoon,* 1852 *Sumbut; and the 12th Suffer,* 1210 *Higeree).*

I. The Governor General in Council being of opinion that the importation of the Coast salt into Bengal may be allowed under particular restrictions, so as to obviate in a great degree the unfavourable operation of the existing prohibition to its importation on certain branches of the commerce and industry of both countries, without at the same time affecting the revenue derived by the Company from reserving to themselves the exclusive privilege of manufacturing salt in Bengal, the following rules have been enacted.

On what ships salt may be imported.

II. License will be given for the importation of salt into the port of Calcutta on ships built and fitted out within the provinces of Bengal or Behar, or the portion of Orissa under the dominion of the Company, and being the property of any British subjects or natives, residing in either of the said provinces under the Company's Government, subject to the following rules and conditions.

Application for permits where to be made, and particulars to be specified.

III. All persons desirous of availing themselves of the privilege granted in the preceding section must apply to the Secretary to the Board of Trade in the Salt department for permits, and must specify in their application the following particulars:

Name of the ship.
Name or names of the owner or owners, and his or their place or places of residence.
Name of the commander.
By whom, where, and when the ship was built, and the burthen by carpenter's measurement.
Where bound.
Return when expected.
Quantity of salt to be imported.

Name of ship to be painted on the stern in English and Bengalese.

Penalty for neglect in the above respect.

IV. The name of the ship shall be painted in English and Bengalese upon some conspicuous part of the stern, in letters not less than four inches in length; and to prevent mistakes, the name in Bengal characters will be furnished on application at the Salt office. Should the above injunction with regard to painting the name on the stern be neglected, or either the English or the Bengal name be obliterated, concealed, or defaced, at the departure or return of the ship from or into this port, the owner shall be liable to the payment of a penalty of one hundred sicca rupees, one half to go to the informer and the other half to the Company. The amount of the penalty, if not otherwise made good, shall be stopped from any money which is or may become

due

and how to be levied.

due to the owner for salt, and the Custom-master shall refuse a port-clearance until the penalty be paid or security be given for the payment thereof.

Name of ship not to be changed without the permission of the Board of Trade.

Penalty.

V. The name of the ship shall not be changed at any time without the permission of the Board of Trade; and in case of any deviation from this rule, the owners of the ship shall be considered as having forfeited all claim to the privilege of importing salt.

Salt where to be delivered, at what price, and how to be paid for, and

permit to be surrendered previous to payment.

VI. The salt shall be delivered on shore, at such place within the limits of the port of Calcutta as the Board of Trade shall direct, at the rate of sicca rupees fifty-seven for every hundred maunds, each maund to weigh forty seers of eighty-two sicca weight to the seer; and shall be paid for at the Salt office within ten days after the receipt of the Company's Golah-keeper for the salt shall have been produced there. At the time of producing the receipt, the permit under which the salt may have been imported shall be surrendered, in default of which such payment shall not be made.

Salt to be of good merchantable quality, and rules in case of its being objected to.

VII. The salt shall be of a good merchantable quality; or should any objection be made to it in this respect, the quantity objected to shall be separately sold at the first Company's salt sale which may take place after the delivery; and the owners of the ship shall make good to the Company the difference between the average selling price of the merchantable salt of the same description and the average selling price of the salt objected to, and payment for the latter shall be delayed until the said difference can be ascertained.

Rules where the deliverers of the salt dispute the validity of objections to its quality.

VIII. If the deliverers of the said salt shall dispute the validity of the objection made thereto, the same shall be referred for determination to two or more persons who usually make purchases at the Company's sales; or if the Board of Trade shall deem it proper so to do, recourse shall be had to an analysis of small quantities, as samples, to be fairly taken from the mass; the analysis to be made by the Board of Trade or such person as they may nominate.

The whole of the salt imported to be delivered to the Company, except five maunds, under penalty of confiscation and the payment of ten rupees per maund.

IX. The whole of the salt which may be imported on the ship shall be delivered to the Company, excepting a reserve not exceeding five maunds which may remain on board, provided that it be *boná fide* for the use of the mariners whilst on board; and any salt, exceeding the quantity so authorized to be reserved, which may be found on board, shall be confiscated, and the owners of the ship shall be further liable to the payment of a penalty on such excess at the rate of ten sicca rupees per maund.

Company's officers to search the ship and be civilly treated.

X. When the ship is reported cleared, the Company's officers shall have the privilege of examining the ship, to ascertain whether there be any quantity of salt remaining on board exceeding that authorized to be reserved. The Company's officers shall have free access to every part of the ship, and be treated with attention and civility on board.

Permit to be kept on board by the master, and to be surrendered when no salt is imported.

XI. The permit must be kept on board of the ship in the possession of the master, in order that it may be produced to the pilot and the Salt officers on the return of the ship to the river, as the authority for the salt being on board. In case of a ship returning without importing salt, the permit must be immediately surrendered at the Salt office.

XII. If

Extension of time specified in permits allowed in particular cases.

XII. If any circumstances should keep the ship out longer than the time specified in the permit, the Board of Trade, on application from the owners, and on their being satisfied as to the cause of her detention, will allow such extension of the period as may appear to them reasonable.

Fee on permits and form thereof.

XIII. A fee of sixteen sicca rupees shall be paid at the Salt office on the issuing of each permit. The following shall be the form of the permit.

Form of the Permit.

Name of vessel in Bengalese.

"This is to certify, that the (description of the vessel) (name) of Calcutta, "whereof (master's name) is at present master, and (owner's name or owners' "names, and place or places of residence) is (or are) owner (or owners), "built by (builder's name) at (place where) in the year (17...), burthen (......) "tons, now lying in the river Hoogly, bound on a voyage to (insert place or "places), and expected to return within (......) months, has permission to "import (......) maunds of salt, to be delivered on shore upon account of the "Honourable Company, at such golahs or places within the limits of the port "of Calcutta as the Board of Trade may appoint.

"This permission to be in force for the above specified voyage only, and for "the space of (.........) months."

Report to be delivered to the pilot on arrival of a ship.

XIV. On the arrival of the ship in the river, the master shall deliver to the pilot in charge of the ship a report addressed to the Deputy Secretary to the Board of Trade, containing the following particulars:

The quantity of salt on board of his ship.

At what place or places shipped, and the quantity shipped at each place.

The ship's draft of water.

Report to be made also when no salt is imported.

XV. If there shall not be any salt on board, the master shall nevertheless deliver to the pilot a report addressed, as above directed, signifying that there is not any salt on board, and stating the ship's draft of water.

Pilot to forward such reports to Deputy Secretary of the Board of Trade.

Penalty for neglect.

Fee payable to pilot when there is salt on board.

Pilot to certify whether the ship's name be duly painted on the stern.

XVI. The pilot shall forward the report to the Salt office by the chokey-boat; or in case a chokey-boat shall not reach the ship, he shall deliver it on the arrival of the ship at Calcutta to the Master-attendant, by whom it must be sent to the Salt office. If the pilot shall neglect to transmit a report so delivered to him, he shall be liable to the payment of a fine of five sicca rupees for each instance of neglect, to be stopped by the Marine Paymaster from his pay; and in case of there being salt in the ship, he shall be entitled to a fee of five sicca rupees, payable from the Salt office for forwarding the report. The pilot shall certify whether or not the ship's name be duly painted upon the stern.

Penalty for master's refusing or neglecting to report, and mode of enforcing payment.

XVII. In the event of the master refusing or neglecting to deliver the required report, he shall be liable to a penalty of one hundred sicca rupees, and until the same shall be paid by the owners the ship shall not be allowed a new port clearance.

Penalties for false reports, and mode for enforcing payment.

XVIII. If the report shall signify that there is not any salt on board, and it shall appear afterwards that there was salt on board, or if the report shall specify less than the quantity shipped, the salt so attempted to be concealed shall be liable to confiscation, and the master or owners shall be liable to a penalty of ten sicca rupees per maund on any salt that may be confiscated, or that may be proved to the satisfaction of the Board of Trade and the Governor General in Council, or of the Governor General in Council, to have been run or thrown overboard; and until such penalty be recovered from the owners the vessel shall not be allowed a port clearance for a future voyage.

Additional penalties on Europeans concerned in the illicit importation of salt.

XIX. Any Europeans proved to the satisfaction of the Governor General in Council to have been concerned in the illicit importation of salt will, over and above the penalties already specified, be considered as having forfeited the Company's protection; and if residing in India with the Company's permission, as having broken their covenants with the Company, and liable to be sent to Europe as unlicensed traders.

This Regulation to be considered to have been in force from the 14th July 1795.

XX. The rules in this Regulation are to be considered to have been in force from the 14th July last, when a notification to the same effect was published from the Salt office with the sanction of the Governor General in Council.

A.D. 1795. REGULATION LIII.

A.C.

A REGULATION *for putting a Stop to the illicit Trade in Opium carried on in the Province of Bengal, by means of the Cloths and earthen Vessels termed Cappah and Dogah; and for preventing the Poppy being cultivated in the said Province without the Knowledge of the Contractor:* PASSED *by the Governor General in Council on the 28th August* 1795 *(corresponding with the 14th Bhadoon,* 1202 *Bengal era; the 28th Bhadoon,* 1202 *Fussily; the 14th Bhadoon,* 1202 *Willaity; the 28th Bhadoon,* 1852 *Sumbut; and the 12th Suffer,* 1210 *Higeree).*

I. THE Governor General in Council having received information that an illicit trade in opium is carried on in the province of Bengal, by means of certain cloths and earthen vessels termed cappah and dogah, and that in the zillahs of Rungpore, Dinagepore, and Purnea, and other places in the said province, individuals frequently cultivate the poppy without the knowledge of the contractor, and clandestinely dispose of the opium produced therefrom, and these practices being equally injurious to the contractor and to the Company, the following rules for preventing the continuance of them have been enacted.

Cloths and vessels, termed cappah and dogah, to be delivered to the contractor, who is to pay the contract price for the opium which they may yield.

II. All the opium cloths known by the name of cappah, and the earthen vessels termed dogah, in which the crude opium collected from the poppy is deposited, and which, from their porousness, absorb a part of the opium, shall be delivered by the opium cultivators to the contractor, who shall pay to them for the quantity of opium which such cloths and vessels may yield, at the rates established for the crude opium by Regulation XXXII. 1793.

Rules respecting persons cultivating the poppy without taking advances from the contractor.

III. *First.* Persons who may choose to cultivate the poppy without taking advances from the contractor, shall notify to him or his agent the quantity of land which they may propose so to cultivate, and shall obtain from him or his agent a writing acknowledging the receipt of such notification; and such persons shall deliver the opium produced from the lands cultivated by them to the contractor, at the fixed price received by the cultivators who may have taken advances.

Penalty for breach of the rule in the preceding clause.

Second. If any person shall cultivate the poppy without apprizing the contractor or his agent, and receiving from either of them the writing prescribed in the preceding clause, the contractor or his agent shall be at liberty to attach the crop of poppies so cultivated, and to collect the opium which they may produce, and the cultivator shall be liable to pay for the quantity of opium so collected the same penalty to which he would have been subject, had the opium been seized in the attempt to make an illegal sale of it. The opium and the penalty shall be appropriated in the same manner as opium seized by the contractor and confiscated under the Regulations, and the penalty leviable on account of such opium.

From what date the penalty prescribed in the preceding clause will be incurrible.

Third. To prevent a retrospective operation of the rules contained in this section, persons who may have cultivated the poppy for the current year without the knowledge of the contractor or his agent, shall not be liable to the penalty specified in the preceding clause, provided they make the notification therein prescribed to the contractor or his agent before the 20th of February next, corresponding with the 11th Phaugun, 1202 Bengal era; the 27th Maug, 1203 Fussily; the 11th Phaugun, 1203 Willaity; the 27th Maug, 1852 Sumbut; and the 10th Shabaun, 1210 Higeree.

A.D. 1795. REGULATION LIV.

A Regulation *for extending to the Province of Benares the Rules contained in certain Sections of Regulations VIII. 1794, and XXXVI. 1795, with Modifications:* Passed *by the Governor General in Council on the 1st September 1795 (corresponding with the 18th Bhadoon, 1202 Bengal era; the 2d Bhadoon, 1202 Fussily; the 18th Bhadoon, 1202 Willaity; the 2d Bhadoon, 1852 Sumbut; and the 16th Suffer, 1210 Higeree).*

I. The reasons assigned in Regulations VIII. 1794, and XXXVI. 1795, for extending and defining the powers given by Section VI., Regulation XIII. 1793, to the Registers of the zillah and city courts in the provinces of Bengal, Behar, and Orissa, to try and decide causes referred to them by the Judges; and for empowering those courts, in certain cases, to refer rent and revenue accounts to the Collectors for report; and for declaring the decisions passed by the Registers to the said zillah and city courts, in all suits for real property, and in suits for money or personal property the amount or value of which may exceed twenty-five sicca rupees, appealable to the Judges of those courts; and for making final the decrees passed by the Judges in appeals from the decisions of their Registers, in all suits for money or for personal property, and also in appeals from the decisions of the native Commissioners; being equally applicable to the province of Benares, the following rules have been enacted, to be in force from the date of their receipt by the city and the zillah courts respectively.

Section VI., Regulation XIII. 1793, abolished in Benares.

II. *First.* The rules in Section VI., Regulation XIII. 1793, are hereby declared to be rescinded in the province of Benares, from the date on which this Regulation may be received by the city and zillah courts, respectively, in that province; and from the same date the rules contained in Sections III., IV., V., VI., VIII., IX., X., XI., XII. and XIII., Regulation VIII. 1794, and Sections III., IV. and VI., Regulation XXXVI. 1795, are hereby declared to be extended to the province of Benares, with the following modifications applicable to that province.

Rules in certain Sections of Regulations VIII. 1794, and XXXVI. 1795, extended to Benares, with

Modifications.

Second. Instead of the following clause in Section IX., Regulation VIII. 1794, "*or by the authorized Vakeels of the court, under Regulation VII.* 1793," the under-mentioned clause is to be substituted; "*or by the authorized Vakeels* "*of the court, under Regulations VII.* 1793, *and XIII.* 1795."

Third. In lieu of the following clause in Section XI., Regulation VIII. 1794, "*nor to prevent them referring to the native Commissioners such suits as* "*are cognizable by them under Regulation XL.* 1793," the undermentioned clause is to be substituted, "*nor to prevent them referring to the native Commis-* "*sioners such suits as are cognizable by them under Regulations XL.* 1793, *and* "*XXXI.* 1795."

Fourth. Instead of the following clause in Section IV., Regulation XXXVI. 1795, "*and also from the decisions of the native Commissioners appointed to hear* "*and determine suits under Regulation XL.* 1793," the undermentioned clause is to be substituted for Benares, "*and also from the decisions of the* "*native Commissioners appointed to hear and determine suits under Regulations* "*XL.* 1793, *and XXXI.* 1795."

A.D. 1795. REGULATION LV.

A REGULATION *for prohibiting the Courts of civil Judicature from requiring Security from Guardians of disqualified Landholders when Parties in Suits with their Wards, under Section XXXII., Regulation X.* 1793: PASSED *by the Governor General in Council on the* 1*st September* 1795 (*corresponding with the* 18*th Bhadoon,* 1202 *Bengal era; the* 2*d Bhadoon,* 1202 *Fussily; the* 18*th Bhadoon,* 1202 *Willaity; the* 2*d Bhadoon,* 1852 *Sumbut; and the* 16*th Suffer,* 1210 *Higeree.*)

I. DOUBTS having arisen whether guardians sued jointly with their wards, under Clause First, Section XXXII., Regulation X. 1793, are not liable, under the Regulations, to give the same securities as are required from defendants in general; and it not having been intended by the rule contained in the above-mentioned clause that guardians should incur any personal responsibility on account of such suits, they being entrusted only with the care of the person, maintenance, and (if a minor) the education of the ward, and the estate of the ward being answerable for all claims upon it, the Governor General in Council has been pleased to enact the following rule, which is to be considered in force from the date of its receipt in the several courts respectively.

II. In cases in which a guardian may be a party jointly with his ward, under Clause First, Section XXXII., Regulation X. 1793, in any civil suit, the securities required by the Regulations to be taken from parties in suits shall not be demanded from the guardian.

Guardians, when parties in civil suits with their wards, exempted from giving securities.

A.D. 1795. REGULATION LVI.

A REGULATION *for allowing the Heirs of Invalids, in the Provinces of Bengal, Behar, and Orissa, to hold their Land rent-free to the Expiration of the tenth Year from the Date of the original Grantee's being put in Possession, in case of his dying within ten Years from such Date; and for providing for the Absence of Invalids from their Tannahs in the said Provinces at the Time of Inspection, in consequence of Permission, or from Sickness, or other unavoidable Cause;* PASSED *by the Governor General in Council on the 1st September* 1795 *(corresponding with the* 18*th Bhadoon,* 1202 *Bengal era; the* 2*d Bhadoon,* 1202 *Fussily; the* 18*th Bhadoon,* 1202 *Willaity; the* 2*d Bhadoon,* 1852 *Sumbut; and the* 16*th Suffer* 1210 *Higeree).*

I. BY Clause Seventh, Section V., Regulation XLIII. 1793, it is directed to be made a stipulation in the leases which have been or may be obtained from any Zemindars or other proprietors for lands to be allotted to the invalids, under the conditions contained in that section, that if the original grantee shall die within seven years from the date of his being put in possession of his lands, his heirs shall continue to hold them rent-free until the expiration of such period of seven years, from which time the lands are to become subject to the conditions in Clauses Fifth and Sixth of the above-mentioned section of the said Regulation, in the same manner as if the heir had then first succeeded to them, and his ancestor had held them for a term exceeding seven years; and by Section VIII. of the same Regulation this rule is made applicable to cases in which the grants may form part of lands the property of Government. It having been deemed proper, however, in consideration of the peculiar disadvantages to which invalids must often be subject in bringing their lands into cultivation, from want of skill or from bodily infirmity, and the consequent necessity of employing persons to cultivate their lands at a heavy expense, to extend the period for which such lands are to be so held free of rent to ten years, in order to ensure to the heirs of invalids the full benefit which it was intended they should derive from the grants; and it often occurring that invalids are absent from their tannahs at the period of inspection, by permission, or from sickness, or other unavoidable cause; and doubts having arisen whether invalids so circumstanced are not subject to the operation of the rule in Section XXX., Regulation XLIII. 1793, which directs that invalids not present at their respective tannahs at the periods of inspection and payment of the proportion of their pay which Government may continue to them in addition to their provision in land, shall be struck off the establishment; the following rules have been enacted.

Heirs of invalids who die within ten years from the date of their grants, to hold the lands free of rent to the expiration of the ten years from such date.

II. *First.* The rule in Clause Seventh, Section V., Regulation XLIII. 1793, is hereby rescinded; and from the date of the receipt of this Regulation in the several zillahs and cities, and in all cases in which any lands, whether the property of Government or of individual proprietors, may be assigned to invalids after such date, it shall be made a condition of the grant, that if the original grantee shall die within ten years from the date of his being put in possession of the lands, his heir shall continue to hold them rent-free until the expiration of such period of ten years, from which time the lands are to become subject to the conditions specified in Clauses Fifth and Sixth, Section V., Regulation XLIII. 1793, in the same manner as if the heir had then first succeeded to them, and his ancestor had held them for a term exceeding ten years.

If the land be the property of an individual Zemindar, and the lease shall have been obtained from him prior to the receipt of this Regulation in the several zillahs and cities, Government shall indemnify the proprietor for the loss he would sustain by the rule in the preceding clause.

Government to remit their claim of proprietor of the land.

Second. In cases in which an original grantee, whose lands were obtained from a proprietor on lease during the time when Clause Seventh, Section V., Regulation XLIII. 1793, was in force, shall die subsequent to the expiration of seven years from the date of his grant, and previous to the expiration of ten years from such date, Government will indemnify the proprietor for the amount which he would have been entitled to receive if the said clause had remained in force. If the grant shall form a part of land the property of Government, the Governor General in Council will relinquish to the heir the amount which would have been demandable from him under the said clause.

Invalids absent from their tannahs at the period of inspection, on leave, or from any unavoidable cause, not liable to be struck off from the establishment.

III. The Clause in Section XXX., Regulation XLIII. 1793, which declares that the invalids who shall not be present at their respective tannahs at the periods of inspection and payment of the proportion of their pay which Government may judge it proper to continue to them in addition to the provision in land, shall be struck off the establishment, is declared not to extend to those invalids who may be absent at such period with permission, or from sickness or other unavoidable cause, that may appear satisfactory to the regulating officer, or in his absence to his assistant.

A.D. 1795. REGULATION LVII.

A REGULATION *for enacting into a Regulation certain Orders issued by the Governor General in Council, for the Abolition of the Collection heretofore made on Grain imported into Calcutta, under the denomination of Kyaulee Dustoor, and for the Appropriation of the Proceeds of confiscated Goods and Merchandize at the Manjee Custom-house; and for levying the Calcutta Export Duties on the Calcutta Price of the Goods instead of the Aurung Price or prime Cost, as prescribed by Section XVII., Regulation XXXIX.* 1795: PASSED *by the Governor General in Council on the 28th September* 1795 *(corresponding with the 14th Assin,* 1202 *Bengal era; the 29th Bhadoon,* 1202 *Fussily; the 14th Assin,* 1203 *Willaity; the 29th Bhadoon,* 1852 *Sumbut; and the 14th Rubbee ul Awul,* 1210 *Higeree).*

I. ON the 24th October 1788, the Governor General in Council directed that the collection made by the Custom-master, under the denomination of kyaulee dustoor, on grain imported into Calcutta, should be suspended until the bazar price of that kind of rice, which is usually consumed by the lower orders of the people, should fall to a certain price. On the 12th of September 1794, this species of rice had fallen to the limited price; but instead of reviving the collection, it was resolved to discontinue it altogether, including the collection on mustard-seed and teel-seed, from the considerations that it fell chiefly on the lower orders of the people and impeded the exportation of grain, to the prejudice of the agriculture of the country. For the final abolition of the above-mentioned collection, and to extend to the officers of the Manjee custom-house the same encouragement for the detection of illicit trade as has been granted to the officers of the custom-house at Calcutta, and to obviate the inconveniences experienced at the Calcutta custom-house, in levying the export duties on the aurung or prime cost of the goods, owing to the importers from the interior parts of the country seldom or ever showing their invoices to the purchasers of them for exportation, and the consequent difficulty of determining the amount on which the duty is leviable; the following rules have been enacted.

Kyaulee dustoor finally abolished.

II. The collection heretofore made by the Custom-master on grain imported into Calcutta, including mustard-seed and teel-seed, under the denomination of kyaulee dustoor, is declared to be finally abolished.

Appropriation of the proceeds of confiscated goods at the Manjee custom-house.

III. In the event of goods or merchandize seized by the officers of the customs at Manjee being confiscated, the proceeds shall be divided as follows:

One-fifth to the Collector of the customs.
Two-fifths to the informer or seizer.
Two-fifths to the Company.

Calcutta export duties to be levied on the Calcutta price of the goods, deducting one-tenth.

IV. From the 6th of October next, the duty on exports from Calcutta will be calculated on the Calcutta price of the goods, deducting one-tenth, instead of the aurung or prime cost, as prescribed by Section XVII., Regulation XXXIX. 1795.

A.D. 1795. REGULATION LVIII.

A Regulation *for granting to the Collectors a Commission on the Jumma of Lands which may be subjected to the Payment of Revenue under Section XXVI., Regulation XIX., and Section XXI., Regulation XXXVII., 1793, and Section XXVI., Regulation XLI., and Section XXI., Regulation XLII., 1795; and for determining on what Amount such Commission, and the Commission granted to Collectors in cases of Lands being adjudged liable to the Payment of Revenue in consequence of Prosecutions, shall be calculated; and for requiring the Zillah and City Courts in the four Provinces to transmit to the Collectors and the Board of Revenue Copies of certain Decrees in Suits between Individuals respecting the Right to Land exempted from the Payment of Revenue; and for defining of what Decrees regarding malguzarry Land the Zillah*

Zillah and City Courts are to furnish the Collectors and the Board of Revenue with Copies, under Section IX., Regulation IV. 1793, and Section IV., Regulation VIII. 1795: PASSED by the Governor General in Council on the 28th September 1795 (corresponding with the 14th Assin, 1202 Bengal era; the 29th Bhadoon, 1202 Fussily; the 14th Assin, 1203 Willaity; the 29th Bhadoon, 1852 Sumbut; and the 14th Rubbee ul Awul, 1210 Higeree).

I. IT being deemed equitable that the Collectors should be permitted to draw the same commission on the jumma of lands subjected to the payment of revenue in consequence of their not being registered, agreeably to Regulations XIX. and XXXVII. 1793, and XLI. and XLII. 1795, as they are allowed on the jumma of lands adjudged liable to the payment of revenue in consequence of prosecutions on the part of Government, and to determine on what amount such commission may be granted, in the event of a settlement of the resumed lands not being immediately concluded in perpetuity; and to provide for the regular transmission to the Collectors and to the Board of Revenue of copies of all decrees passed in suits between individuals, affecting the right in, or possession of, landed property exempted from the payment of Revenue to Government, that the alterations in such right or possession made by the said decrees may be duly entered in the quinquennial registers; and doubts having arisen as to the description of decrees regarding or concerning land subject to the payment of revenue, of which copies are to be transmitted by the Judges of the zillah and city courts to the Collectors and the Board of Revenue; the Governor General in Council has enacted the following rules.

Collectors to receive a commission of twenty-five per cent. on lands resumed under Section XXVI., Regulation XIX. or Section XXI., Regulation XXXVII. 1793, or Section XXVI., Regulation XLI. or Section XXI., Regulation XLII. 1795.

What Collectors are to be considered entitled to the commission.

How the commission of the Collector shall be estimated, in case of exempted lands becoming subject to the payment of revenue and a permanent settlement not being immediately made.

II. The Collectors shall receive a commission of twenty-five per cent. on the amount of the annual jumma, which may be assessed in perpetuity, on lands finally resumed and declared liable to be assessed with public revenue, under Section XXVI., Regulation XIX. 1793, or Section XXI., Regulation XXXVII. 1793, or Section XXVI., Regulation XLI. or Section XXI., Regulation XLII. 1795. The commission shall be paid to the Collector who shall discover and report to the Board of Revenue the omission of the registry of the lands; unless the Governor General in Council should deem it equitable, in any particular case, to give the whole, or a part of the commission to any other Collector. If circumstances should prevent the forming of a permanent settlement of such lands, or of lands on which the Collectors may be entitled to a commission, under Section XIII., Regulation XIX. and Section VIII., Regulation XXXVII. 1793, and Section XIII., Regulation XLI. and Section VIII., Regulation XLII. 1795, it shall be at the option of the Governor General in Council to grant a commission on whatever amount he may deem an equitable jumma for such lands.

Zillah and city courts to furnish copies of certain decrees, by which the right to, or the property in any lands exempted from the payment of public revenue may be altered.

III. The Judges of the zillah and city courts in the four provinces shall furnish the Collectors of the districts in which the land may be situated, and the Board of Revenue, with a copy of every decree in suits between individuals which they may pass, or which may be sent to them by superior courts to enforce, by which the right in, or possession of, any lands held exempt from the payment of public revenue, under whatever description of grant the same may be so held, may be affected, in order that the Collectors may be enabled to make the necessary entries of the alterations in such right or possession, to be inserted in the quinquennial registers of lands held exempt from the payment of revenue, directed to be kept by Regulations XIX. and XXXVII. 1793, and XLI. and XLII. 1795. The copies of such decrees shall be transmitted by the Judge within twenty days after the same may be passed or received by him.

Of what decrees copies are to be transmitted to the Collectors and the Board of Revenue under Section IX., Regulation IV. 1793, and Section IV., Regulation VIII. 1795.

IV. The decrees regarding malguzarry land, which the Judges of the zillah and city courts in the four provinces are directed by Section IX., Regulation IV. 1793, and Section IV., Regulation VIII. 1795, to transmit to the Collector of the zillah and to the Board of Revenue, are hereby declared to be such decrees only as affect the proprietary right in, or possession of the land.

A.D. 1795. REGULATION LIX.

A Regulation *for further postponing to the* 10*th April* 1796, *the Operation of such Parts of Sections XVIII., XIX., XX., and XXIII., Regulation XXXV.* 1793, *as regard the silver Coin:* Passed, *by the Governor General in Council on the* 29*th September* 1795 (*corresponding with the* 15*th Assin,* 1202 *Bengal era; the* 1*st Assin,* 1203 *Fussily; the* 15*th Assin,* 1203 *Willaity; the* 1*st Assin,* 1852 *Sumbut; and the* 15*th Rubbee ul Awul,* 1210 *Higeree*).

I. The reasons assigned in the preamble to Regulation VI. 1794, for suspending certain rules in Regulation XXXV. 1793, until the 10th April 1795, continuing to operate, and consequently rendering it necessary that the enforcement of those rules should be further postponed, the Governor General in Council has enacted as follows.

Operation of the rules in Regulation XXXV. 1793, herein specified, postponed to the 10th April 1796.

II. Such parts of Sections XVIII., XIX., XX., and XXIII., Regulation XXXV. 1793, as regard the silver coin in the provinces of Bengal, Behar, and Orissa, shall not have effect until the 10th of April 1796, corresponding with the 31st Chyte, 1202 Bengal era; the 18th Chyte, 1203 Fussily; the 31st Chyte, 1203 Willaity; the 18th Chyte, 1853 Sumbut; and the 1st Showal, 1210 Higeree; after which period all the rules contained in those sections are to be considered in full force. Until the arrival of that period, rupees of sorts shall be received at the public treasuries in those provinces, and shall be current therein, under the rules that were in force regarding them previous to the 10th April 1794; but the rupees which may be so received are not, on any account, to be disbursed from the said treasuries, but are to be sent to the mint, to be recoined into siccas of the nineteenth sun, as prescribed in Section XVII., Regulation XXXV. 1793.

A.D. 1795. REGULATION LX.

A REGULATION *for extending to the Province of Benares, Regulation XXXVIII,* 1795, *entitled* "A Regulation for prescribing the Payment of certain Fees "on the Institution and Trial of Suits in the Courts of civil Judicature, and "on Petitions presented to those Courts, and on the Institution of Suits "before the Munsiffs, under Clause Sixth, Section V., Regulation XI. 1793:" PASSED *by the Governor General in Council on the 13th November* 1795 *(corresponding with the 30th Kautic,* 1202 *Bengal era; the 17th Kautic,* 1203 *Fussily; the 30th Kautic,* 1203 *Willaity; the 17th Kautic,* 1853 *Sumbut; and the 30th Rubbee us Sanee,* 1210 *Higeree).*

I. THE reasons assigned in the preamble to Regulation XXXVIII. 1795, for prescribing the payment of certain fees on the institution and trial of suits in the courts of civil Judicature in the provinces of Bengal, Behar, and Orissa, and on petitions presented to those courts, and on the institution of suits before the Munsiffs, under Clause Sixth, Section V., Regulation XL. 1793, being with little exception applicable to the province of Benares, the following rules have been enacted.

Regulation XXXVIII. 1795, extended to the province of Benares.

II. The rules contained in Regulation XXXVIII. 1795, are hereby extended to the province of Benares.

A.D. 1795. REGULATION LXI.

A REGULATION *for determining what Sicca Rupees of the nineteenth Sun shall be considered as of standard Weight in Payments, in the Provinces of Bengal, Behar, aud Orissa:* PASSED *by the Governor General in Council on the 13th November* 1795 *(corresponding with the 30th Kautic,* 1202 *Bengal era; the 17th Kautic,* 1203 *Fussily; the 30th Kautic,* 1203 *Willaity; the 17th Kautic,* 1853 *Sumbut; and the 30th Rubbee us Sanee,* 1210 *Higeree).*

I. AGREEABLY to the ancient usage of the country, all payments in silver are made by weight. This usage was established to keep up the circulating coin to its full standard weight, by obliging the holders of light coin to carry it to the mint for recoinage; and as the demand of Government on the proprietors of estates with whom a settlement has been made is fixed in perpetuity at a specific amount in money, it is essential to the interests of the state that this, as well as all other rules calculated to prevent the circulation of light coin, should be adhered to as strictly as may be possible. A practice, however, obtained under the native administration, and which continued to prevail under the British Government, of receiving light rupees in payment of private, and not unfrequently of public demands, with an allowance or batta adequate to the deficiency, individuals often finding it more convenient or advantageous to make good this deficiency than to send their light coin to the mint, or to dispose of it to a Shroff for coin of full weight. By the abuse of this practice, in progress of time the circulation became filled with coin rendered deficient in its weight by wear or artificial means. The landholders and farmers of the revenue availed themselves of this defective state of the currency to exact large sums from their Ryots and tenants, on account of the deficiency in its weight, urging that similar demands would be made on them when they tendered it in discharge of their revenue; and the Shroffs levied similar impositions in private transactions. To obviate these and other abuses, it was determined by Regulation XXXV. 1793, that after a certain period, no rupees should be considered as a legal tender of payment excepting the rupees of the nineteenth sun, of the weight and standard specified in that Regulation. In weighing, however, the rupees received into the treasuries against standard weights, with a view to a strict adherence to the letter of the Regulation, instead of a specific number of the newest coin procurable, as had been generally the practice, it was found that the nineteenth sun sicca rupees, almost immediately after their introduction into circulation, were generally from two to four annas per cent. deficient in weight; and on inquiry it was ascertained that from the number of points in the inscription, and the fineness of the silver, this deficiency invariably arose on the first introduction of new coin into circulation, although it would circulate several years without suffering any further considerable diminution in its weight. In order, therefore, to preserve the salutary custom of receiving the coin by weight, and at the same time to obviate the loss and inconvenience that would have resulted, both to the public and individuals, by rejecting the new coin in payment, on account of the smallest deficiency in weight, and consequently compelling the holders to return it to the mint almost immediately after its being issued from thence, certain orders were issued and communicated to the Board of Revenue and to the Collectors on the 2d October 1795. These orders, with modifications, are now enacted into a Regulation, which is to be in force from the date of its receipt in the several zillah and city courts in the provinces of Bengal, Behar, and Orissa.

Sicca rupees of the nineteenth sun, which may not have lost by wear more than six annas per cent., to be received as of full weight.

II. All sicca rupees of the nineteenth sun, which shall not have lost by wear a greater proportion of their full standard weight than six annas per cent., or six-sixteenths of a rupee in one hundred rupees, shall be considered as of standard weight, and be received as such in all public and private transactions.

The above rule aplicable only to loss of weight by wear.

Rule in case of loss of weight by artificial means.

III. The above rule, however, is to be considered applicable to those nineteenth sun rupees only, in which the loss of weight has been occasioned by wear. Whenever rupees of the above description may have lost any part of their full weight, although such loss shall not exceed six annas per cent., by filing, clipping, or other artificial means, they shall not be considered as of standard weight, and if tendered in payment at any of the public treasuries or offices, they shall be received at their intrinsic value as hereafter directed, and the podars, or examiners of the public money, are required to separate all such rupees.

And in cases where the loss of weight by wear shall exceed six annas per cent.

IV. *First.* Rupees of the nineteenth sun deficient in weight from any other cause excepting wear, or deficient in weight from wear in a greater amount than six annas per cent., are to be received agreeably to the following rule.

How such rupees shall be received.

Not to be disbursed again.

Second. For one hundred sicca weight of such light nineteenth sun sicca rupees, the payer is to receive credit for one hundred nineteenth sun sicca rupees. The light rupees thus received at the public treasuries are not to be disbursed again, but are invariably to be sent to the mint to be recoined.

V. The

Mint-master to furnish standard weights.

V. The Mint-master at Calcutta is required to furnish the Board of Revenue, for the use of the Collectors, with stampt metal weights of fifty sicca weight each, or such other weight as may be required by them, and all receipts and payments at the public treasuries are to be regulated agreeably to such standard weights.

Rules to apply to the quarters and halves of rupees.

VI. The foregoing rules are to be considered equally applicable to the halves and quarters of the nineteenth sun sicca rupee.

A.D. 1795. REGULATION LXII.

A REGULATION *for withdrawing the Mint established at Moorshedabad under Regulation XXXV.* 1793: PASSED *by the Governor General in Council on the* 11*th December* 1795 *(corresponding with the* 28*th Aughun,* 1202 *Bengal era; the* 15*th Aughun,* 1203 *Fussily; the* 28*th Aughun,* 1203 *Willaity; the* 15*th Aughun,* 1852 *Sumbut; and the* 28*th Jumaud ul Awul,* 1210 *Higeree).*

I. THE continuance of the mint established at Moorshedabad being deemed unnecessary, in consequence of the inconsiderable quantity of coin and bullion brought to it for coinage, the Governor General in Council has enacted as follows.

Moorshedabad mint withdrawn.

II. The mint established at Moorshedabad, under Regulation XXXV. 1793, is hereby directed to be withdrawn.

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				MAHTOOT, spelt also MHATOOT, MATHOOT, MATHOTE, MATHOOL, and MUTHOTE.	
				Capitation, contribution, imposition.—An occasional impost or tax, sometimes included in the Abwab.	
				The Mathote established by Sujah Khan, consisted of four articles:	
				1st. Nuzzer poonah, or presents exacted from Zemindars by officers of the exchequer at the festival of the annual settlement, properly called punyáhah or holy day.	
				2d. Bhay khelaut, or price of robes bestowed at the same time on considerable Zemindars, as tokens of investiture.	
				3d. Pushta bundy, keeping up the river-bank in particular places.	
				4th. Russoom nezarut, or commission of ten annas per mil exacted by the Nasir Jemmadar or head Peon on the treasure brought from the Mofussil or interior. It existed previously, but was made permanent by Sujah Khan.	
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				Paying rent or revenue.—A term applied to assessed lands, or lands paying revenue to Government; also the rent of such lands.	
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				MALIKANAH.—MALICONNAH.	
				What relates or belongs to a person as master or head man. The malikana of a Mocuddim or head Ryot is a share of each Ryot's produce received by him as a customary due, forming an article of the Makdarry. The term is also applicable to the nancar, or allowance to village Collectors, or Mocuddims, of such villages as pay rents immediately to the Khalsa, being an item of the Muscorat.	
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				Written security for the payment of a debt or revenue.	
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				MOCUDDIM.	
				Head Ryot, or principal man in a village, who superintends the affairs of it, and among other duties collects the rents of Government within his jurisdiction. The same officer is also called MUNDUL *in Bengal, and in the Peninsula* JOAD *and* POTAIL.	
				See LANDS.	
				MOCURRERY LEASES AND GRANTS.	
				Grants and leases of lands let on a fixed lease. The term is also applied to the Government dues from the Cavel.	
				MOCURRERYDARS.	
				Possessors of leases or grants for a fixed period.	
				See LANDS.—PUBLIC REVENUE.—INVALIDS.	
				MOHAUL.—MEHAUL.—MEHAL.—MHAL.	
				A place, district, department. A place or source of revenue, particularly of a territorial nature, lands.	
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				MOHULLADAR.—MOHULLADAREEN.	
				Inferior police officers.	
1793 1795	XXII. XVII.	30 27	— —	To be appointed in cities to each ward.—Their duties -	222, 501
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				MOHURRERS.	
				Writers, clerks in office.	
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				MOKEEM.	
				An appraiser, one who fixes or settles.	
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				MOONSHEES.	
				Letter-writers, secretaries. This title is given by Europeans to the natives who instruct them in the Persian language.	
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				MOSHAIRAH.	
				Monthly stipend, pension, salary, pay or wages. A monthly allowance granted by the state to a Zemindar when suspended from his office.	
				See Public Revenue.	
				MUDDUD MAUSH.—MUDDUD MASH.	
				Aid for subsistence. An article in the rent-roll called Tumar Jumma, consisting of allotments of land, as a subsistence to religious and learned men. An item of the Muscorat, and a branch of Ayma grants.	
				See Lands.	
				MUFTIES.—MOOFTIES.	
				The Muhammedan law officers who declare the sentence of the courts.	
				See Courts of Circuit.—Zillah and City Courts.—Mahomedan and Hindoo Law Officers.	
				MUNSIF.	
				A just and equitable man. Native justice or judge, whose powers do not extend farther than to suits for personal property not exceeding fifty rupees.	
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				MURDER.	
1793	IX.	50 to 79	—	The futwahs of the law officers delivered on such cases to be according to the doctrines of Yusuf and Mahomed.—The Judges in their decisions to refer to the law of Kissaas or retaliation.—How the courts are to proceed when they disapprove the proceedings or futwah of their law officers, or when the heir refuses to prosecute, or does not attend, or is under age - - - - - - - - - -	114 to 118
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				NATIVE LAW OFFICERS.	
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				NAZIM.	
				Composer, arranger, adjuster.—The first officer or governor of a province, and minister of the department of criminal justice; styled also Nawab and Soubahdar.	
1793	XVI.	10	—	In suits between the domestics of the Nazim and other descriptions of persons pointed out, the parties to be referred to him for decision.—Complaints preferred against servants of his Excellency, the courts may hear themselves or refer to his Excellency at discretion; unless the plaintiff or defendant shall prefer the jurisdiction of the courts, in which case they are to take cognizance of them	173
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				Deputy of the Nazim or Governor.	
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				A supervisor or inspector	
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				NOTES OF HAND.	
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				NUCKDY.	
				Ready money, ready money payment, a settlement made for the payment of rent or revenue in specie. The term is also applied to signify provision for household expenditure.	
				See POTTAHS.	
				NUZZERANAH.	
				By way of offering or present; any thing given as a present, particularly as an acknowledgment for a grant of land, public office, and the like.	
				NUZZERANAH HAL,	
				Is a present or recent Nuzzeranah. An item of the Soubahdarry Abwab.	
				NUZZERANAH MOCURRERY.	
				A fixed Nuzzeranah; an item of the Soubahdarry Abwab introduced by Sujah Khaun, being fixed pecuniary acknowledgments paid by Zemindars for improper remissions, indulgences, favours, and protection, forbearance from hustabood investigations, or for being freed from the immediate superintendance of Aumils; but ostensibly to defray the charge of nuzzers or presents sent to the Court on Mussulman festivals, &c. The practice existed from ancient times, but was rendered permanent by Sujah Khaun.	

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1795	VI.	28	—		
1793	XIV.	24	—	May be confined, and their lands attached and sold, but not without the consent of Government - -	158, 466
1795	VI.	30	—		
1793	XVII.	5	—	Not released from responsibility by the distraint of the property of a defaulter - - - - -	175, 645
1795	XLV.	5	—		
1793	XVII.	28	—	For rent may not be punished or confined by landholders - - - - - - - -	182, 650
1795	XLV.	26	—		
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				SUSPICIOUS PERSONS.	
—	XXII.	10	—	Penalties for lurking about or not accounting for livelihood, or escaping from custody - - -	216
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				TALOOKDARS.	
				Holders of Talooks or districts, the revenues of which are generally accounted for to the Zemindar within whose jurisdiction the talook happens to be included; but sometimes paid immediately to Government. The former are denominated Muscoory; the latter, independent Talookdars.	
—	IV.	22	—	Resisting process, how punishable - - - -	38, 52 66, 457
—	V.	23	—		
—	VI.	24	—		
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				TALOOKS.	
1793	VIII.	10 to 15	—	Jungle-borry, rules regarding separation of.—How to be made by Collector.—When separated to pay revenue direct to Collectors - - - - - -	
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				TANKS.	
				Ponds; pools of water: reservoirs to preserve the water that falls during the rainy season.	
				See Division and Union of Estates.—Embankments.	
				TANNAH.	
				A station. A military post or station, often protected by a small fort. A petty police jurisdiction, subordinate to that of a Darogah.	
				See Invalids.	
				TANNAHDAR.	
				The keeper or commandant of a Tannah. A petty police officer, whose jurisdiction is subordinate to that of a Darogah.	
				See Police.	
				TAXES.	
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				Market dues.	
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				Who has charge of the collections. A native collector of a district acting under a European or Zemindar.	
— 1795	II. V.	25 23	— —	To register receipts granted for the payment of revenue - - - - - - - - - - -	14, 446
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— 1795	XLV. VIII.	5 to 7 5	— —	To receive charge of attached or forfeited lands; rules for their management - - - - - -	375, 480
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				Strengthening, corroborating, assisting. Assisting tenants with an advance of money, for cultivation, when the necessary means are wanting.	
1793 1795	II. V.	23, 44 22, 36	— —	Not to be advanced by Collectors without consent of the Board of Revenue, who may authorize the issue of tuccavy to the extent of five per cent -	14, 17 446, 448
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				TULLATIES.	
				Village watchmen.	
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				TULLUBBANNA.—TULBANNA.	
				A fee taken by officers of police, or Peons, when placed as guards over any person.	
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— 1795	XXII. XVII.	10, 33 10, 13	— —	The Darogahs to apprehend them and send them to the magistrates.—How to be dealt with - - -	216,223 497,502
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				An instrument constituting a Vakeel pleader in a particular suit.	
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				WARRANTS.	
				See Nizamut Adawlut.—Salt.	
				WASSILAUT.—WASSILAAT.	
				The collections. The whole amount of sums collected under every description.	
				See Public Revenue.	
				WASTE.	
				See Arrears.—Sales of Lands.	
				WATCHMEN.	
				There are three descriptions of watchmen:	
				1st. Ghoriters, Goryats, or Gorayts, petty officers acting under the Native Collector. There was one in each village, whose chief duty it was to guard the crop. The office is described to have been somewhat like that of a common peon.	
				2d. Pausbauns, Pausbans, or Pasbauns, simply watchmen.	
				3d. Pykes, foot messengers. A pyke is employed as a night watch in a village, and as a runner or messenger on the business of the revenue.	
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				WUSSEAT NAMAH.	
				Wasiy yout nama.—A will.	
				See Registry.	
				ZEMANEA.	
				A pergunnah in the province of Benares.	
				See Public Revenue.	
				ZEMINDAR.	
				Landholder, landkeeper; an officer who, under the Muhammedan Government, was charged with the superintendance of the lands of a district, financially considered, the protection of the cultivators, and the realization of the Government's share of its produce, either in money or kind; out of which he was allowed a commission, amounting to about ten per cent.; and occasionally	

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				ZEMINDAR, *continued.*	
				sionally a special grant of the Government's share of the produce of the land of a certain number of villages for his subsistence, called Nauncar. *The appointment was occasionally renewed; and as it was generally continued in the same person so long as he conducted himself to the satisfaction of the ruling power, and even continued to his heirs; so in process of time, and through the decay of that power, and the confusion which ensued, hereditary right (at best prescriptive) was claimed and tacitly acknowledged; till, at length, the Zemindars of Bengal in particular, from being the mere superintendents of the land, have been declared the hereditary proprietors of the soil, and the before fluctuating dues of Government have, under a permanent settlement, been unalterably fixed in perpetuity.*	
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				The officers of Government collectively employed under a Zemindar.	
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				ZEMINDARRY DUTIES.	
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				ZENANAS.	
				The apartments reserved exclusively for the use of the women.	
				See Distraint.—Females.	
				ZILLAH.	
				Side, part, district division; a local division of a country, having reference to personal jurisdiction.	
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